S. HRG. 117–642

NOMINATIONS OF THE 117th CONGRESS, SECOND SESSION—PART I

HEARINGS

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

Part I
January 12, 2022 thru June 16, 2022

Printed for the use of the Committee on Foreign Relations

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CONTENTS

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

PART I

Wednesday, January 12, 2022 ..... **1**

Cleveland, Sarah H., of New York, nominated to be Legal Adviser of the Department of State 9

O'Brien James C., of Nebraska, nominated to be head of the Office of Sanctions Coordination, with the rank of Ambassador 12

Tsunis, George J., of New York, nominated to be Ambassador to Greece 15

Van Schaack, Beth, of California, nominated to be Ambassador-at-Large for Global Criminal Justice 18

Additional Material Submitted for the Record *33*

Tuesday, February 8, 2022 ..... **91**

Lipstadt, Dr. Deborah E., of Georgia, nominated to be Special Envoy to Monitor and Combat Antisemitism, with the rank of Ambassador 98

Dogu, Hon. Laura Farnsworth, of Texas, nominated to be Ambassador to the Republic of Honduras 101

Levine, Randi Charno, of New York, nominated to be Ambassador to the Portuguese Republic 104

Perry, Hon. N. Nickolas, of New York, nominated to be Ambassador to Jamaica 107

Additional Material Submitted for the Record *128*

Thursday, March 3, 2022 ..... **167**

Romanowski, Hon. Alina L., of Illinois, nominated to be Ambassador to the Republic of Iraq 172

Hickey, Douglas T., of Idaho, nominated to be Ambassador to the Republic of Finland 175

Fagin, Steven H., of New Jersey, nominated to be Ambassador to the Republic of Yemen 177

McKee, Hon. Erin Elizabeth, of California, nominated to be an assistant administrator of the United States Agency for International Development 180

Additional Material Submitted for the Record *192*

Page

Tuesday, March 15, 2022 ..... **239**

Meehan, Bernadette M., of New York, nominated to be Ambassador to the Republic of Chile 241

Nkengasong, Dr. John N., of Georgia, nominated to be Ambassador-at-Large, Coordinator of the United States Government Activities to Combat HIV/AIDS Globally 244

Muyangwa, Dr. Monde, of Maryland, nominated to be an assistant administrator of the United States Agency for International Development 247

Gonzales, Hon. Rebecca Eliza, nominated to be Director of the Office of Foreign Missions 250

Additional Material Submitted for the Record *273*

Thursday, April 7, 2022 ..... **317**

Kennedy, Hon. Caroline, of New York, nominated to be Ambassador to the Commonwealth of Australia 322

Goldberg, Hon. Philip S., of the District of Columbia, nominated to be Ambassador to the Republic of Korea 325

Nathanson, Marc B., of California, nominated to be Ambassador to the Kingdom of Norway 328

Carlson, Marykay Loss, of Arkansas, nominated to be Ambassador to the Republic of the Philippines 331

Additional Material Submitted for the Record *351*

Wednesday, May 4, 2022 ..... **391**

Turner, Dr. Bruce I., of Colorado, nominated to be U.S. Representative to the Conference on Disarmament in Geneva, with the rank of Ambassador during his tenure of service 396

Leventhal, Alan M., of Massachusetts, nominated to be Ambassador to the Kingdom of Denmark 400

Milstein, Constance J., of New York, nominated to be Ambassador to the Republic of Malta 403

Hartley, Hon. Jane D., of New York, nominated to be Ambassador to the United Kingdom of Great Britain and Northern Ireland 405

Additional Material Submitted for the Record *419*

Tuesday, May 10, 2022 ..... **511**

Brink, Hon. Bridget A., nominated to be Ambassador to Ukraine 515

Richard, Hon. Elizabeth H., of Virginia, nominated to be Coordinator for Counterterrorism, with the rank and status of Ambassador-at-Large 518

Laskaris, Hon. Alexander Mark, of the District of Columbia, nominated to be Ambassador to the Republic of Chad 520

Additional Material Submitted for the Record *547*

Wednesday, May 18, 2022 ..... **585**

Bagley, Hon. Elizabeth Frawley, of Florida, nominated to be Ambassador to the Federative Republic of Brazil 590

Aponte, Hon. Mari Carmen, of Florida, nominated to be Ambassador to the Republic of Panama 593

Mora, Dr. Francisco O., of Florida, nominated to be Permanent Representative to the Organization of American States, with the rank of Ambassador 596

Kwan, Michelle, of California, nominated to be Ambassador to Belize 599

Additional Material Submitted for the Record *622*

Tuesday, May 24, 2022 ..... **651**

Brigety, Hon. Reuben E. II, of Florida, nominated to be Ambassador to the Republic of South Africa 656

Battle, Hon. Michael A. Sr., of Georgia, nominated to be Ambassador to the United Republic of Tanzania 658

Whitman, Margaret C., of Colorado, nominated to be Ambassador to the Republic of Kenya 660

Page

Tuesday, May 24, 2022 —Continued
Gonzales, Michael C., of California, nominated to be Ambassador to the Republic of Zambia 675
Godfrey, John T., of California, nominated to be Ambassador to the Republic of Sudan 677
Adler, Michael J., of Maryland, nominated to be Ambassador to the Republic of South Sudan 680
Additional Material Submitted for the Record *690*

Tuesday, June 7, 2022 ..... **763**
Bennett, Amanda, of the District of Columbia, nominated to be Chief Executive Officer of the United States Agency for Global Media 765
Additional Material Submitted for the Record *780*

Thursday, June 16, 2022 ..... **791**
Wittes, Dr. Tamara Cofman, of the District of Columbia, nominated to be an Assistant Administrator of the United States Agency for International Development 794
Ratney, Michael Alan, of Massachusetts, nominated to be Ambassador to the Kingdom of Saudi Arabia 797
Davis, Timmy T., of Virginia, nominated to be Ambassador to the State of Qatar 800
Gupta, Dr. Geeta Rao, of Virginia, nominated to be Ambassador-at-Large for Global Women's Issues 803
Additional Material Submitted for the Record *827*

Part II

Thursday, June 23, 2022 ..... **875**
Shortino, Elizabeth, of the District of Columbia, nominated to be United States Executive Director of the International Monetary Fund for a term of two years 878
Pressman, Hon. David, of New York, nominated to be Ambassador to Hungary 881
Pyatt, Hon. Geoffrey R., nominated to be an Assistant Secretary (Energy Resources) 883
Wood, Hon. Robert A., of New York, nominated to be Alternate Representative for Special Political Affairs in the United Nations, with the rank of Ambassador, and to be an Alternate Representative to the Sessions of the General Assembly of the United Nations, during his tenure of service 887
Additional Material Submitted for the Record *902*

Wednesday, July 13, 2022 ..... **937**
Godec, Hon. Robert F., of Virginia, nominated to be Ambassador to the Kingdom of Thailand 941
Thompson, Dean R., of Maryland, nominated to be Ambassador to Nepal . 944
Abraham, Yohannes, of Virginia, nominated to be Representative to the Association of Southeast Asian Nations, with the rank and status of Ambassador 947
Buangan, Richard Lee, of California, nominated to be Ambassador to Mongolia 950
Damour, Marie C., of Virginia, nominated to be Ambassador to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador to the Republic of Kiribati, the Republic of Nauru, the Kingdom of Tonga, and Tuvalu 953
Additional Material Submitted for the Record *972*

Page

Wednesday, July 27, 2022 ..... **1015**

Talwar, Hon. Puneet, of the District of Columbia, nominated to be Ambassador to the Kingdom of Morocco 1018

Henick, Dr. Jonathan, of Virginia, nominated to be Ambassador to the Republic of Uzbekistan 1021

Viguerie, Lesslie, of Virginia, nominated to be Ambassador to the Kyrgyz Republic 1024

Rosenblum, Hon. Daniel N., of Maryland, nominated to be Ambassador to the Republic of Kazakhstan 1026

Hood, Joey R., of New Hampshire, nominated to be Ambassador to the Republic of Tunisia 1029

Additional Material Submitted for the Record *1043*

Thursday, July 28, 2022—a.m. **1103**

Duncan, William H., of Texas, nominated to be Ambassador to the Republic of El Salvador 1110

Rodriguez, Hugo F., Jr., of Pennsylvania, nominated to be Ambassador to the Republic of Nicaragua 1112

Bond, Candace A., of Missouri, nominated to be Ambassador to the Republic of Trinidad and Tobago 1115

Fulton, Heide B., of West Virginia, nominated to be Ambassador to the Oriental Republic of Uruguay 1118

Faucher, Robert J., of Arizona, nominated to be Ambassador to the Republic of Suriname 1121

Additional Material Submitted for the Record *1138*

Thursday, July 28, 2022—p.m. **1173**

Duggal, Shefali Razdan, of California, nominated to be Ambassador to the Kingdom of the Netherlands 1177

Patman, Carrin F., of Texas, nominated to be Ambassador to the Republic of Iceland 1180

Aggeler, Angela Price, of the District of Columbia, nominated to be Ambassador to the Republic of North Macedonia 1182

Rana, Gautam A., of New Jersey, nominated to be Ambassador to the Slovak Republic 1185

Berry, Hon. Randy W., of Colorado, nominated to be Ambassador to the Republic of Namibia 1187

Additional Material Submitted for the Record *1197*

Wednesday, August 3, 2022 ..... **1231**

Ba, Jessica Davis, of the District of Columbia, nominated to be Ambassador to the Republic of Côte D'Ivoire 1239

Tamlyn, Hon. Lucy, of Rhode Island, nominated to be Ambassador to the Democratic Republic of the Congo 1242

Korhonen, Rachna Sachdeva, of New Jersey, nominated to be Ambassador to the Republic of Mali 1245

Schiffer, Rolfe Michael, of New York, nominated to be an Assistant Administrator of the United States Agency for International Development 1248

Fick, Nathaniel, of Maine, nominated to be Ambassador-at-Large for Cyberspace and Digital Policy 1250

Additional Material Submitted for the Record *1271*

Tuesday, November 29, 2022 ..... **1355**

Robinson, Christopher T., of Maryland, nominated to be Ambassador to the Republic of Latvia 1359

Kent, George P., of Massachusetts, nominated to be Ambassador to the Republic of Estonia 1362

Merten, Hon. Kenneth, of Virginia, to the Republic of Bulgaria 1365

Kavalec, Kathleen Ann, of California, nominated to be Ambassador to Romania 1367

Page

Tuesday, November 29, 2022 —Continued

Sabet, Bijan, of Massachusetts, nominated to be Ambassador to the Czech Republic 1370

Sullivan, Hon. Stephanie Sanders, of Maryland, nominated to be Representative to the African Union, with the rank and status of Ambassador 1389

Jardine, Henry V., of Virginia, nominated to be Ambassador to the Republic of Mauritius, and to serve concurrently and without additional compensation as Ambassador to the Republic of Seychelles 1392

Gorordo, L. Felice, of Florida, nominated to be Alternate Executive Director of the International Bank for Reconstruction and Development for a term of two years 1394

Weiner, Richard L.A., of the District of Columbia, nominated to be Director of the European Bank for Reconstruction and Development 1397

Micaller, Manuel P., Jr. of California, nominated to be Ambassador to the Republic of Tajikistan 1400

Additional Material Submitted for the Record *1414*

Wednesday, November 30, 2022 ..... **1513**

Tracy, Hon. Lynne M., of Ohio, nominated to be Ambassador to the Russian Federation 1516

Fisher, Hon. Julie D., of Tennessee, nominated to be Ambassador to the Republic of Cyprus 1542

Kvien, Kristina A., of California, nominated to be Ambassador to the Republic of Armenia 1545

Spahn, Carol, of Maryland, nominated to be Director of the Peace Corps .. 1548

Dyer, Cynthia, of Virginia, nominated to be Director of the Office to Monitor and Combat Trafficking, with the rank of Ambassador-at-Large 1550

Additional Material Submitted for the Record *1564*

NOMINATIONS

WEDNESDAY, JANUARY 12, 2022

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

The committee met, pursuant to notice, at 9:23 a.m., in Room SD–G50, Dirksen Senate Office Building, Hon. Robert Menendez presiding.

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

Also Present: Senator Casey.

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

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

We are here today to consider nominations for four important positions: Sarah Cleveland to be the State Department Legal Adviser, James O'Brien to be the Coordinator for Sanctions Policy, Dr. Beth Van Schaack to be Ambassador-at-Large for Global Criminal Justice, and George Tsunis to be the Ambassador for Greece.

Congratulations to each of you. We appreciate your willingness and that of your family, because we recognize that this is a sacrifice by families as well, to serve your country in this capacity.

I know that there are various colleagues who are looking to make introductions of our nominees before the committee.

I understand that Senator Coons is seeking to introduce Ms. Cleveland, Senator Booker will be introducing Dr. Van Schaack, and Senators Casey and Paul will be introducing Mr. Tsunis.

So we will start with—I understand Senator Casey is joining us virtually?

Senator CASEY. That is correct.

The CHAIRMAN. Senator Casey, the floor is yours.

STATEMENT OF HON. ROBERT P. CASEY, JR., U.S. SENATOR FROM PENNSYLVANIA

Senator CASEY. Chairman Menendez, thank you for this opportunity. I want to thank you and Ranking Member Risch and members of the Senate Foreign Relations Committee for this opportunity and to appear before you in this format to support George Tsunis' nomination to be the next Ambassador to Greece.

I have known George for over 15 years. He has friends on both sides of the aisle in the United States Senate, and I want to thank him for his willingness to serve.

I also want to thank, as Chairman Menendez made reference to, his family: George's wife, Olga, his two daughters, Eleni and Yanna, and his son, James. Families make it possible for an American to serve our nation abroad and we are grateful for the contribution that they make.

Let me start with the role of Ambassador to Greece. As the committee members know better than I, this is a vital diplomatic position for the United States Government.

As Russia continues its unprecedented aggression against Ukraine and other democratic neighbors and Iranian threats in the Middle East grow, the position of Ambassador to Greece has become even more important to U.S. national security and regional stability in Europe and the Middle East.

This Ambassador serves to promote the thriving U.S.-Greek economic partnership and both of our nations' democratic values and respect for human rights.

George is prepared to take on these responsibilities and these challenges, and strengthen our relationship with Greece. His legal and business acumen and strong commitment to public service make him well qualified to serve as Ambassador.

He has practiced law in New York, rising to be a partner in New York's largest real estate, municipal law, and commercial litigation firm. In 2005, he left his firm to start his very successful company, Chartwell Hotels.

George has grown Chartwell into a leader, operating hotels across the East Coast and mid-Atlantic. I know personally in Pennsylvania George has developed four hotels from ground-up construction, creating hundreds of construction jobs and permanent hospitality jobs.

Every job, especially in places like Williamsport, Pennsylvania—Lycoming County, in the north central part of our state—every single job is important to those communities, and that community also rehabilitated the historic 1913 First National Bank, returning this Williamsport landmark to commercial use.

He has also been very active in the Chamber of Commerce in Lycoming County. In addition to his private sector leadership, George has also served his community, whether it is as a lawyer for the New York City Council, work he has done in the town of Huntingdon's Environmental Open Space Committee, the Dix Water District, serving as an advisor here in the Senate to the Senate Banking Committee, and chairman of the Battery Park City Authority.

Again, in service of the people of Pennsylvania, George founded a scholarship for promising students at the Pennsylvania College of Technology, one of our premier institutions in the state, and he remains active in his support for Lycoming County communities and philanthropic organizations.

George knows intimately the interests of the Greek people and how to represent those interests at the highest levels. He is the son of first-generation Greek immigrants, learning Greek as his first

language and actively participating in the community of St. Paraskevi.

George has become a recognized leader in the Greek-American community. He was a founding trustee of the foremost Greek civic leadership organization in the United States, the Hellenic American Leadership Council, and remains vice president of the board of directors.

He continues to support other nonprofit organizations. His missions revolve around the importance of the U.S.-Greek relationship, including the Hellenic Initiative, Leadership 100, the Greek Orthodox Archdiocese National Coordinating Committee, and so much more.

For his leadership on behalf of the Greek-American community, George has received the St. Paul's Medal, the highest ecclesiastical honor for a layman from the Greek Orthodox Church in America and a member to the Order of St. Andrew the Apostle, the highest honor given to a lay person by his All Holiness Ecumenical Patriarch Bartholomew.

George has extensive leadership experience, and his long commitment to the U.S.-Greek relationship have prepared him well to represent the United States as our next Ambassador to Greece.

I enthusiastically support and recommend his nomination to you and I am honored to have this opportunity today. Thank you.

The CHAIRMAN. Thank you, Senator Casey, for that insightful introduction.

I now turn to a distinguished member of this committee, Senator Paul.

STATEMENT OF HON. RAND PAUL, U.S. SENATOR FROM KENTUCKY

Senator PAUL. Mr. Chairman, Ranking Member, and members of the committee, thank you for allowing me to introduce my friend, George Tsunis, to you and to encourage you to approve him as the U.S. Ambassador to Greece.

I have known George for several years. I know him as a patriot, a civic leader, and an exceptional executive, as well as someone who has exhibited the bipartisanship that I think will help him in negotiating as a diplomat and representing his country.

He has been an important figure in U.S.-Greek relations. He understands the dynamics of the long friendship between our countries. We would be fortunate to have him as our representative to the Government of Greece.

George has succeeded in business and is eager to bring that expertise to the public sector. He heads Chartwell Hotels, as you have heard, which is successful across the country.

He also chairs the Battery Park City Authority, which manages a 92-acre development on Manhattan's Lower West Side. He speaks Greek, is a proud American of Greek descent.

George is active in the Orthodox Church, was a founding trustee of the Hellenic American Leadership Council and is a trustee of the Hellenic Initiative, a global humanitarian organization established a decade ago.

George has worked closely with the Greek-American leaders in the United States, knows many of the important players in Greece, and is conversant with the issues they deal with regularly.

He also understands how to operate part of the Government—as part of the Government in the United States. He served as a legislative attorney for the New York City Council, as counsel for the Dix Hills Water District in New York, and as an aide to a U.S. senator.

In fact, he worked for Senator Alfonse D'Amato, who is here today. Thank you, Senator D'Amato, for being here today to support George's nomination.

George is involved in countless charities that give back to the community, including various hospitals. We are fortunate that George wants to return to government service.

Thank you for considering him for this important role and, thank you, Mr. Chairman, for allowing me to speak on George's behalf.

The CHAIRMAN. Thank you very much, Senator Paul.

Senator Booker, are you ready to introduce Dr. Van Schaack?

STATEMENT OF HON. CORY BOOKER, U.S. SENATOR FROM NEW JERSEY

Senator BOOKER. Yes. Thank you very much, Mr. Chairman.

Mr. Chairman, I have known Dr. Beth Van Schaack for 34 years. She had the unfortunate experience of meeting me when we were both teenagers, and while I was a hunk of undeveloped athletic and intellectual potential, she was an extraordinary standout in her college years.

She was brilliant, wise beyond her years, and someone deeply committed to her classmates. I made the smart decision just to follow her and I followed her to Yale Law School where we continued to develop our friendship, but more importantly to the matter before us, I got to see her tie her intellectual excellence with a commitment for larger issues of justice.

This is someone who has, I have seen, weather very difficult personal challenges overcoming adversity, and yet she continued to devote her life over and over to serving her country and others.

After receiving her law degree from Yale, she has been committed to achieving justice, beginning her career working on behalf of victims of human rights abuses. She has served as deputy in the same office that she has now been nominated to lead.

She has been advisor, a valued advisor, to Secretary of State Hillary Clinton, to Secretary of State John Kerry, on ways the United States can prevent and respond to mass atrocities and war crimes.

In 2014, she returned back to Stanford where she is currently the Leah Kaplan Professor in Human Rights, focused on training the next generation of human rights advocates. She has earned a reputation amongst her students and colleagues and peers as one of the preeminent experts in our nation on these pressing issues.

It is an honor for me, one of the great of my time as senator, to be able to not only introduce her but to press upon my colleagues that I think she will be a tremendous addition to our diplomatic corps, not just because of her vast experience, not just because of her intellect and expertise, but because of her character.

It is what I have seen for 34 years, that she has grit, that she has guts, that she has dedication to others, and I think she will be an extraordinary asset to this nation, not to mention the fact that she can still beat me in a 40-yard dash.

Thank you, Mr. Chairman.

Oh, and, Mr. Chairman, a point of privilege, please. I just have to say to my friend, George Tsunis [speaks Greek] and, sir, thank you for standing up [speaks Greek].

The CHAIRMAN. Wow.[Laughter.]

The CHAIRMAN. Forty-yard dash. Okay.

I understand that Senator Coons is here so we recognize him now.

STATEMENT OF HON. CHRISTOPHER A. COONS, U.S. SENATOR FROM DELAWARE

Senator COONS. Thank you, Mr. Chairman. It is my honor to introduce my friend and law school classmate, Sarah Cleveland, nominated by President Biden to serve as Legal Adviser for the State Department.

I want to welcome her family—Roger, Grover, Richard, Electa—who are with her today. I have known her more than 30 years, and I remember most clearly and sharply our working together on international human rights litigation on behalf of refugees being interdicted on the high seas—refugees from Haiti who were fleeing a change of government there and seeking refuge.

She was the legal brains of our team and was brilliant then and is brilliant now. She has been nominated to be the State Department's top lawyer at a critical moment when we need someone with deep experience, great values, and the ability to help give the most relevant and timely advice to the leaders of our State Department and our nation.

If confirmed, she would be the second woman in our nation's history to hold the position of the presidentially-appointed Legal Adviser. She was raised in Alabama, worked as a sales clerk and waitress in Birmingham to pay her way through Brown. Went on to study at Oxford as a Rhodes Scholar and Yale Law School, and to clerk on the Supreme Court for Justice Blackmun.

She has worked in red states and blue states, at home from Texas to New York to South Florida and in far-flung corners of the world from Namibia to Eastern Europe advancing justice, human rights, and national security.

As a result of her nearly 30 years of teaching and practicing international law, she has developed deep expertise. I have a letter I will submit for the record of endorsement of former legal advisers who served in both Republican and Democratic administrations.

Fourteen of her years were spent working for or advising the U.S. Government or the judiciary and eight as an independent expert at the request of the U.S. Government.

If you do not know Sarah yet, it will soon become clear she cares deeply about democracy, human rights, and the rule of law around the world and is greatly knowledgeable about the threats posed by Russia, China, Iran, and others.

Sarah Cleveland is a dedicated and capable public servant with the intelligence, character, and experience to serve admirably as

the next State Department Legal Adviser. I look forward to supporting her and urge my colleagues to support her confirmation.

Thank you.

The CHAIRMAN. Thank you, Senator Coons.

Let me turn to the nominees, briefly.

Ms. Cleveland, welcome and congratulations on your nomination. You have a stellar legal resume. I have no doubt that your experience including in the Office of the Legal Adviser, or L, as it is well known, will serve you well.

I am pleased to note that you have the strong support of your predecessors. All nine living former legal advisers, six Republicans and three Democrats, have written to Senator Risch and myself endorsing your nomination, and without objection, I will ask that those letters will be included in the record.

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

The CHAIRMAN. As you know, the role of Legal Adviser is somewhat unique in our government. If confirmed, you will be the general counsel of the State Department leading L and its cadre of exceptionally talented lawyers, and you will also be the chief international legal diplomat for the United States.

You will be expected to provide objective legal advice to the Secretary of State, other department policymakers, and offices across the federal government.

I expect that, if confirmed, you will build upon the work of the current administration to return the United States to a place it once held on the global stage as a country that both observes and advances the rule of law.

As an attorney for the executive branch, you will no doubt be pressed to broadly interpret the President's Article Two authorities.

I will look to you for a vigorous and objective legal analysis, and I expect that consistent with our Constitution you will understand the interest and role of Congress in the area of foreign affairs and work in good faith with this committee to ensure that Congress' constitutional role in foreign affairs is fully and meaningfully respected.

Mr. O'Brien, I am pleased to have you before us, both because I believe you are an excellent nominee and because your presence signifies something that both Senator Risch and I worked towards, the establishment of a Sanctions Coordinator position in law.

It is a critical position, and the last administration's decision to leave it unfilled was, in my view, shortsighted and damaging. As you know, sanctions are one of the few meaningful tools we have in our foreign policy toolkit.

If confirmed, you will have three statutorily-mandated roles. You will be the lead sanctions diplomat, the lead for State on sanctions in the interagency process, and the lead within State in coordinating sanctions policy.

In short, your efforts will be instrumental to ensuring that our sanctions policy are fully aligned with and advancing our foreign policy. I look forward to hearing how you will approach that complex set of challenges awaiting you, if confirmed.

Dr. Van Schaack, congratulations on your nomination. I am glad to hear you can outrun my distinguished colleague from New Jersey. You have had a distinguished career that has prepared you well for this position.

If confirmed, you will be tasked with advising the Secretary of State and others in the U.S. Government on how to prevent and respond to atrocities around the world. To say this is a critical task would be an understatement.

For decades, the United States has led the world in seeking responsible mechanisms of international justice to hold accountable the dictators, thugs, and warlords who commit atrocities against their own citizens.

And yet, when we look around the world today, we see rising impunity for perpetrators of atrocities against innocent civilians.

The genocide of Uighurs in China's Xinjiang region, the murderous assault on the Rohingya and other ethnic and religious minorities by the military junta in Burma, the Assad regime's machinery of torture and death in Syria, and the use of starvation and sexual assault as a weapon of war in Ethiopia are only some examples.

Strengthening international mechanisms for accountability is essential to helping prevent mass atrocity crimes, and I look forward to hearing your ideas on how best we can accomplish this.

Mr. Tsunis, I welcome your nomination, which comes at such a high point in the U.S.-Greece relationship. Greece is a critical U.S. ally, a strategic partner, and a lynchpin for security and democracy in the Eastern Mediterranean.

As the birthplace of democracy, Greece continues to be a beacon of freedom in southeastern Europe. In recent years, we have taken several important steps towards strengthening our strategic partnership with Greece.

Congress has reaffirmed its strong bipartisan support for Greece with the landmark Eastern Mediterranean Security and Energy Partnership Act in 2019, which I led with Senator Rubio and other members of this committee.

Last year, we made strides in strengthening NATO's southern flank with the passage of the U.S.-Greece Defense and Interparliamentary Partnership Act, which I also led with Senator Rubio and other members of this committee, and Secretary Blinken and Foreign Minister Dendias recently signed an updated and expanded Defense Cooperation Agreement, furthering our ability to stand with our allies.

Mr. Tsunis, if confirmed, you will inherit the strongest U.S.-Greece relationship in history, one that is well poised for even further growth.

You know Greece and the dynamics of the region well, and I am confident in your ability to bring the U.S.-Greece relationship into the next era.

With that, let me turn to the distinguished ranking member for his comments.

Senator Risch?

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

Senator RISCH. Thank you, Mr. Chairman.

On the nomination of Legal Adviser to the Department of State, this position advises the Secretary on all legal issues related to the work of the department including matters of compliance with congressional oversight—obviously, a very important matter to his committee.

The use of force also in international agreements entered into by the United States are also matters on which advice is given.

Ms. Cleveland, I do not envy the task before you. You come to this nomination at a pivotal juncture in U.S. foreign policy as the United States faces some of what I believe are the greatest challenges of our time.

You will be in the room as the department grapples with difficult legal questions. But I wanted to emphasize another critical element of the job: an obligation and a commitment to keep Congress informed on these crucial legal questions.

I raise this point because so far in the Biden administration, State's legal opinions have been missing in action. I am sure they exist. I hope they exist. But they are not shared with this committee.

It is hard to understand administration policy and to do oversight without them. This lack of transparency damages confidence. Responses to questions on Nord Stream 2 sanctions have been delayed and are cursory when received.

The department has been unwilling to respond to the most basic factual questions about why certain entities have not been sanctioned under clear statutory requirements.

Questions about congressional oversight over potential reentry into the JCPOA have been insufficient. The administration's compliance with the Caesar Act has been lackluster at best, and it is accelerating outreach to Assad despite congressional inquiries.

These are just a few of the most egregious examples. Should you be confirmed, I expect you to take seriously congressional requests for information and transparency.

It is important to note that your job is to provide legal opinions, not legal facts. The law is never as black and white as legal advisers make it out to be, and since this body writes the laws, interpreting them in contradiction to congressional intent is dangerous.

On the nomination of Sanctions Coordinator, I am pleased the Administration has nominated someone to this important position.

As the Chairman indicated, he and I personally engaged to create this office under law and evaluate it to the rank of Ambassador with a direct report to the Secretary of State.

I believe the structure can improve U.S. sanctions policy in three chief ways: improve internal department communications about the goals of our sanctions regimes and most effective use of implementation tools and resources, improve U.S. interagency communication to ensure our sanction regimes are fully aligned with U.S. foreign policy objectives, and create a centralized point of contact for foreign governments to ensure effective communication with allies and partners on sanctions implementation and technical cooperation.

This particular position is so important now that this country more and more relies on sanctions to adjust other countries' actions and we do that in lieu of kinetic type of activity that we have engaged in in the past. This can be more important and actually more effective than kinetic action.

Should you be confirmed, I expect you to focus on determining structure process and resourcing that will set the office up for success now and in the future, and I ask for your commitment to cooperatively engage with our office and Congress on these issues, going forward.

On the nomination of Ambassador-at-Large for Global Criminal Justice, this office is tasked with aiding in interagency atrocity prevention efforts as well as driving response and accountability efforts for war crimes, crimes against humanity, and genocide.

This role is important in seeking accountability for crimes committed in countries such as Syria, Burma, Iraq, Ethiopia, Venezuela, and others in conflict.

While I remain a strong critic of the ICC, this office needs to work with the international community and our like-minded allies to find the proper avenues of accountability and justice for victims of atrocities. I look forward to hearing your thoughts on these issues.

Finally, on the nomination of Ambassador to Greece, Greece faces challenges on multiple fronts as it manages China's attempts to establish footholds in its economy, Russian malign influence campaigns to divide the European Union, and massive migration inflows.

Should you be confirmed as Ambassador, I hope your experience in business and development will help you navigate the difficult challenges regarding foreign influence and competition in Greece's economy.

Thank you, Senator Menendez.

The CHAIRMAN. Thank you, Senator Risch.

Now we will turn to our nominees. We would like to give you about five minutes or so to summarize your statements. Your full statements will be included in the record, without objection, and we will start with Ms. Cleveland.

STATEMENT OF SARAH H. CLEVELAND OF NEW YORK, NOMINATED TO BE LEGAL ADVISER OF THE DEPARTMENT OF STATE

Ms. CLEVELAND. Thank you, Chairman Menendez, and thank you, Senator Coons, for that generous introduction and your years of friendship and leadership.

Chairman Menendez, Ranking Member Risch, and distinguished members of the committee, it is an honor to appear before you as President Biden's nominee to serve as Legal Adviser of the Department of State. I am deeply grateful to President Biden and Secretary Blinken for their confidence and support.

I also want to express my gratitude to the members of this committee and your staff for your consideration. For over 20 years, I have taught my students about the importance of the constitutional role of Congress in U.S. foreign relations.

I have found my conversations with members of this committee enlightening, and I look forward to our continued engagement, if confirmed.

I would like to introduce my daughter, Electa Cleveland, my son, Richard Tuddenham, my brother, Grover Cleveland—and yes, that is his name—and my life partner, Roger Cohen, who are with me today.

My 97-year-old father, Melford Cleveland, is watching from his home in rural Alabama, and my ailing mother, Marcia Cleveland, who danced with the National Ballet of Washington here, is with us in spirit.

We all know the tremendous toll that government service inflicts on our loved ones. I want to thank my family for their steadfast enthusiasm and support and for all I have learned from them. I love you deeply.

My family has worked at all levels of national, state, and local government, and to them I owe my passion for public service.

My father, a law clerk to fellow Alabamian Justice Hugo Black, held his first legal position in the Office of the Legal Adviser of the State Department, the office to which, if confirmed, I would now return.

He then served for 20 years in the Justice Department before completing his career as an administrative law judge for the Social Security Administration.

My brother was legal counsel to King County in Washington State. My great-grandfather was Speaker of the House of the Massachusetts legislature, and my grandmother, Walter Frances Cleveland, was a public school teacher and a member of the Board of Electors of her rural Alabama community. She registered numerous Black Americans to vote after World War II.

Inspired by their examples, it has been my mission to serve the public good. I began as a law clerk to District Judge Lewis Oberdorfer and Supreme Court Justice Harry Blackmun.

I have spent more than two decades teaching students about the central place of law in U.S. foreign relations, first, at the University of Texas, then at Columbia University. Some of them are now among the excellent lawyers at the Office of the Legal Adviser, or L.

I know L well. I served as the Legal Adviser's counselor on international law from 2009 to 2011 and as an expert adviser to the office until 2013. I have been a member of the Secretary of State's Advisory Committee on International Law for over a decade.

Having provided legal advice to the department under both Democratic and Republican administrations, I understand L's important role. Its 300 attorneys and other professionals provide objective advice on the law to the department and the U.S. Government. They problem solve, they identify legal constraints, and offer their best judgment to policymakers seeking to advance U.S. interests. They help explain U.S. Government legal positions to this Congress, the public, and counterparts around the world.

I would bring a lifetime of knowledge to the office, if confirmed. My experience overseeing the definitive treatise on U.S. foreign relations law and serving as the U.S. Government nominated expert to international bodies makes me keenly aware of the challenges

involved, particularly as states such as Russia, China, and Iran pose growing threats to our global legal order.

If given the honor of serving as Legal Adviser, I would seek to provide balanced, clear, practical, and objective legal advice of the highest quality.

I would do so with integrity, humility, and a full sense of the great responsibility I would bear. I would commit to maintaining close relations with Congress and this committee.

As a teacher, I often close my course with a quote from Oliver Wendell Holmes: "Go out and live greatly in the law, find your passion, and wear your heart out after the unattainable." We may not always be able to secure all our aspirations as a nation for ourselves and humanity, but grounded in our values, our Constitution, and our laws, we must never waver from that quest.

It would be a privilege to serve the U.S. in this capacity and I look forward to your questions.

[The prepared statement of Ms. Cleveland follows:]

PREPARED STATEMENT OF SARAH H. CLEVELAND

Chairman Menendez, Ranking Member Risch, and members of the committee, it is an honor to appear before you as President Biden's nominee to serve as Legal Adviser to the Department of State. I am deeply grateful to President Biden and Secretary Blinken for their confidence and support. I also want to express my gratitude to the Members of this Committee, and your staff, for your consideration. For over twenty years, I have taught my students about the importance of the constitutional role of Congress in U.S. foreign relations. I have found my conversations with Members of this Committee enlightening, and I look forward to our continued engagement, if confirmed.

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My family has worked at all levels of national, state and local government. To them I owe my passion for public service. My father, a law clerk to fellow Alabamian Justice Hugo Black, held his first legal position in the Office of the Legal Adviser of the State Department—the office to which, if confirmed, I would return as the second Presidentially-appointed woman. He then served for 20 years in the Justice Department, before completing his career as an Administrative Law Judge for the Social Security Administration. My brother was legal counsel to King County in Washington State. My great grandfather was Speaker of the House of the Massachusetts legislature. And my grandmother, Walter Frances Cleveland, was a public school teacher and a member of the board of electors of her rural Alabama community. She helped register numerous Black Americans to vote after World War II.

Inspired by their examples, it has been my mission to serve the public good. I began as a law clerk to District Court Judge Louis Oberdorfer and Supreme Court Justice Harry Blackmun. I have spent more than two decades teaching students the central place of law in U.S. foreign relations, first at the University of Texas, then at Columbia University. Some of them are now among the excellent lawyers at the Office of the Legal Adviser, or "L" as it is known. I know L well: I served as the Legal Adviser's Counselor on International Law from 2009–2011, and as an expert adviser to the office until 2013. I have been a member of the Secretary of State's Advisory Committee on International Law for over a decade.

Having provided legal advice to the Department under both Democratic and Republican administrations, I understand L's important role. Its three hundred attorneys and other professionals provide objective advice on the law to the Department and the U.S. Government. They problem solve. They identify legal constraints and offer their best judgement to policy makers seeking to advance U.S. interests. They

help explain U.S. Government legal positions to Congress, the public, and counterparts around world.

I would bring a lifetime of knowledge to the office, if confirmed. My experience overseeing the definitive treatise on U.S. foreign relations law and serving as the U.S. Government-nominated expert to international bodies makes me keenly aware of the challenges involved, particularly as states such as Russia, China and Iran pose growing threats to our global legal order.

If given the honor of serving as Legal Adviser, I would seek to provide balanced, clear, practical, and objective legal advice of the highest quality. I would do so with integrity, humility, and a full sense of the great responsibility I would bear. I would commit to maintaining close relations with Congress and this Committee.

As a teacher, I often close my course with a quote from Oliver Wendell Holmes: "Go out and live greatly in the law, find your passion, and wear your heart out after the unattainable." We may not always be able to secure all our aspirations as a nation, for ourselves and humanity. But grounded in our values, our Constitution and our laws, we must never waver from that quest.

It would be an immense privilege to serve the United States in this capacity. I look forward to your questions.

The CHAIRMAN. Thank you.

Mr. O'Brien?

STATEMENT OF JAMES C. O'BRIEN OF NEBRASKA, NOMINATED TO BE HEAD OF THE OFFICE OF SANCTIONS COORDINATION, WITH THE RANK OF AMBASSADOR

Mr. O'BRIEN. Thank you, Mr. Chairman, Ranking Member. It is an honor to appear before the committee and to have been asked to undertake this assignment, if the Senate agrees that I am to be confirmed.

You each emphasized the role that this committee in particular plays in shaping U.S. sanctions policy. I already enjoy close relationships with some of your advisers. I expect to deepen those relationships and engage with this committee if I am confirmed to this position. I thank you for all the time that you have given and the staff has given to my nomination.

I am also honored to be on this panel. These three people are the best at what they do and I really hope we get the chance to work together if the Senate decides that that is to be.

I am here because of the support of my family—my wife, Mary, my children, Sean and Jamie, my sisters, Meghan and Nan.

I want to offer a special word of thanks to my dad, Jim, who is watching from Nebraska. His mother worked for Senator Burke many years ago. So he has had the opportunity to revisit some family history as I prepared for this hearing.

And I want to say a word about my late mother, Jane. She died a year ago last week. It has been a difficult year for my father. But I think now we are starting to see our way through this.

She believed strongly in community service, having supported efforts to bring refugees to Nebraska, to work with integrating the people mentally challenged into their own housing, to work with English as a second language students, and to promote the sports among girls.

I think that heritage of community service makes me hope that she would be proud of me for being willing to go back into government service. I know she respected American institutions and she would appreciate your role in deciding whether I am suited to go back into public service.

I have worked in government almost 15 years of my career, serving twice as Special Presidential Envoy. I worked as an attorney adviser in L in my opening position in the U.S. Government, and so I have been around U.S. sanctions policy for more than 30 years.

I have seen how important sanctions are and I know it is vital that we enforce and fully implement the sanctions that we have on the books, and so I commit myself that that will be a major part of my work if I am confirmed.

In preparing for our consultations, I have been very impressed by the investment the executive branch has made in identifying sanctions targets and trying to develop the programs so that they can be effective.

There are several hundred people at State and Treasury as well as the Department of Commerce, the White House, the intelligence community, working on these issues.

As the Treasury Department noted in its review published several months ago, it alone has submitted almost 9,500 individual sanctions over recent years. There are 20 independent sanctions programs and scores of legislation and executive orders to be coordinated. So there is a lot of work to do to see that this is effective.

Mr. Chairman, you asked how I would intend to do this. One is with a lot of help. I will need the colleagues from across the executive branch and also those in this room and across the Congress to be sure that U.S. policy is clear and forceful.

I want to emphasize just a few points. First, sanctions are part of a strategy. They cannot be the strategy.

So I will work with the colleagues responsible for U.S. policy so that we are clear about what we intend by sanctions, they have clear goals, we understand the power structures we are trying to enforce, and we are adaptable so that when the targets of our sanctions seek to evade them we are able to respond.

Secondly, we have to understand both the effectiveness of our sanctions and their impacts and, in particular, we need to look at the humanitarian consequences of sanctions policy.

Nothing undermine sanctions more quickly than the idea that they are hurting the innocent bystanders, and so I look forward to working with you to be sure that we achieve the goals of our sanctions while not hurting those who are not the intended targets.

The third point is we have to work with our partners. Mr. Chairman, you mentioned that I would be a lead diplomat. I intend to work not only on my own but with all of my colleagues from across the Administration such as ambassadors in post because we need everyone to speak with one voice about what the U.S. expects from our partners and what we can learn from our partners so that we work well together.

Finally, Mr. Chairman, sanctions are vital to the fight against corruption. This committee and others in Congress have been resolute in declaring corruption to be a threat to the United States.

President Biden has established a strong national strategy to combat corruption globally, and I see the role of sanctions as a critical part in this and also in bringing forward the use of all the tools that are available to fight corruption.

With that, we can attack not only the targets—the people who are responsible for human rights abuses and violations of law that cause us to want to sanction them—but we will be able to get at the networks of enablers that they rely upon to be able to attack our national security.

So with that, Mr. Chairman, Ranking Member, I appreciate the consideration so far and I look forward to further conversation.

[The prepared statement of Mr. O'Brien follows:]

PREPARED STATEMENT OF JAMES C. O'BRIEN

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

I am here because of the support of my wife Mary, our children Sean and Jamie, my father Jim, and my sisters Meghan and Nan. My mother, Jane, died just over a year ago. She was the bedrock of our family and instilled a love of community and public service that has shaped my life.

Mr. Chairman and Ranking Member, I welcome the opportunity to return to public service if I am confirmed. I began my career as an attorney-adviser in the State Department in 1989 and was proud to serve the U.S. Government and the American people until 2001, when I finished an assignment as presidential envoy for the Balkans upon the democratic transition in Serbia. In 2015, I became the first U.S. presidential envoy for hostage affairs, a position that allowed me to work with many brave Americans seeking the safe return of their family members. It was a privilege.

I am honored that President Biden and Secretary Blinken have nominated me to be Sanctions Coordinator. I thank the committee for its strong advocacy—collectively and through several members—for the position. If confirmed, I look forward to consulting closely with Committee staff and with each of you.

Sanctions can be very powerful, and the use or threat of sanctions can be extraordinarily effective when in support of a coherent strategy and in concert with other elements of national power. The Executive Branch under both parties and, with the urging of Congress, has invested considerable resources in the U.S. capacity to design, implement, and enforce sanctions. From my informal count, there are hundreds of officials at the Departments of State and the Treasury, as well as in other agencies, working to develop and implement authorities that promote anticorruption, human rights, counterterrorism, counternarcotics, nonproliferation, and other core principles of U.S. policy. I am committed to making sure we preserve and enhance the effectiveness of sanctions. If confirmed, I look forward to working with these officials, as well as those responsible for other tools of foreign policy and economic statecraft.

The scale of this effort means that proposals for sanctions arise across the U.S. Government on different timelines and for disparate reasons. The recent U.S. Treasury review of its sanctions noted an increase in individual sanctions designations, under Treasury authorities alone, to more than 9,421 in 2021. Each must be coordinated by and with officials responsible for other facets of U.S. policy. This poses several challenges.

First, sanctions must be part of a strategy; they themselves cannot be the strategy. As the Treasury review notes and the Department of State has also expressed, each sanction, however well-justified, should support a clear policy objective and rest upon analysis of alternatives, effects, and support from our partners. This requires that its purpose be understood beyond the U.S. Government, that we work with other governments, including at the United Nations, and that we maintain and adapt sanctions regimes as technology changes and targets of sanctions react. The Office of the Sanctions Coordinator cannot do this alone and the office's success will require the leadership and cooperation of colleagues from across the Government, the Department, and especially from our embassies.

Second, we must do more to understand both the effectiveness and the effects of U.S. sanctions, in particular human consequences. Sanctions may serve many purposes, and we should know both what our aim is and whether we have hit it. We should also work to avoid causing unintended consequences and take into account the effects on U.S. businesses and competitiveness. The White House has announced a review of the humanitarian consequences of sanctions, and I look forward to being active in those discussions if I am confirmed before the review is complete.

Each of these goals requires that the U.S. Government and our partners engage regularly with the business community and with nongovernmental bodies and inde-

pendent journalists. These groups add to our understanding of the impact of our sanctions actions and where they may help us achieve our foreign policy goals.

Third, if confirmed, I look forward to engaging with our global partners whose cooperation will make sanctions programs more effective. This would again require that the Sanctions Coordinators' office work closely with US missions abroad and other officials who engage other governments.

Finally, sanctions are crucial to the fight against corruption. The administration has put forward a robust strategy, and Secretary Blinken has announced that the Department will appoint a senior anticorruption coordinator. If confirmed, I look forward to working with the coordinator to address the threat from corrupt actors and the networks that enable them.

Thank you again for the opportunity to appear before you today and for considering my nomination. I look forward to answering your questions.

The CHAIRMAN. Thank you.

Mr. Tsunis?

STATEMENT OF GEORGE J. TSUNIS OF NEW YORK, NOMINATED TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO GREECE

Mr. TSUNIS. Thank you.

Chairman Menendez, Ranking Member Risch, esteemed members of the committee, I am honored to appear before you today as President Biden's nominee to be the U.S. Ambassador to Greece, and I thank Senator Paul and Senator Casey for their introduction.

I thank the President and Secretary Blinken for their trust and confidence in me and I am grateful to this committee for considering my nomination.

But most of all, if you will permit me, I want to express my heartfelt thanks to my parents. They heard Emma Lazarus' calling and they immigrated to this country from Greece to build a better life for themselves and our family.

My family is very cognizant of the fact that if it was not for the Truman Doctrine, the world's first democracy would have been pulled into the Soviet orbit. If not for the Marshall Plan, Greece would have had descended into mass starvation and poverty, and very likely my family as well.

I would not be here today if it was not for the United States' willingness to provide opportunity for immigrants like my mom and dad and for first-generation Americans like me. I am humbled by the President's nomination and I view it as a chance to give back to the country that has given me and my family so much.

I would also like to thank my wife, Olga, whose mom and dad also immigrated from Greece, and our three children—James, Eleni, and Yanna. They are my bedrock of support.

I would like to thank former Senator Alfonse D'Amato, my former boss, who is here to offer moral support. Thank you, Senator.

It is not an exaggeration to say that I am blessed to live the American dream. After attending law school, I have worked in government as an associate in a small law firm and then a partner in a large firm until I followed my father in business as an entrepreneur when I founded Chartwell Hotels.

During my tenure as CEO, Chartwell has weathered recessions, pandemics, and experienced unprecedented growth. Having witnessed the strength and resiliency of U.S. business in the inter-

national marketplace, I understand the importance of expanding our global business and trade and its effect on U.S. jobs as well. As an executive in the hospitality industry, I also understand how important it is to take care of people.

If confirmed, my top priority would be to ensure the safety and security of the Americans who live, work, and travel to Greece.

Throughout my career, I have maintained a strong interest in foreign and economic affairs. I have had the pleasure of contributing to public policy as a member of the Brookings Institution Foreign Policy Leadership Committee and a trustee with the Business Executives for National Security.

If confirmed, I arrive in Athens at a crucial moment in U.S.-Greece relations. Our relationship is at an all-time high. The Annual Strategic Dialogue has helped define the key pillars of the U.S.-Greece relationship, including cooperation on defense and security, law enforcement and counterterrorism, trade and investment, disaster preparedness, energy and climate, and people-to-people ties.

Greece continues to make progress on all fronts as it pursues economic revitalization, overcomes the challenges of the pandemic, and grapples with tensions in the Eastern Mediterranean. What happens in Greece matters, not just for Greece but for the Eastern Mediterranean region, NATO, the European Union, and the United States?

Opportunity is vital to the United States and to Greece. If confirmed, my top economic commercial goals will be to build on the efforts to accelerate trade and investment opportunities.

The United States and Greece have made tremendous progress on energy cooperation. If confirmed, I will encourage Greece to continue investing in renewable energy as well as projects important to regional energy security, including the interconnector with Bulgaria, the interconnector with North Macedonia, the Alexandroupolis Floating Storage Regasification Unit, and electricity interconnectors that can support both gas and renewable energy sources.

We are seeing an increased U.S. investment in Greece and renewables. I believe there is room for greater cooperation. The United States benefits from a strong growing bilateral defense relationship with our NATO ally, Greece. If confirmed, I will continue to deepen this key relationship.

Particularly noteworthy is the long-standing United States military presence at Souda Bay on the island of Crete from which the military conducted approximately 2,500 flights and 143 ship visits in 2021 alone.

Our defense relationship has grown significantly over the last five years, including through updates to the Mutual Defense Cooperation Agreement and greater training and deployment in Greece.

People-to-people ties are the bedrock of the U.S.-Greek relationship. If confirmed, I look forward to working with the Greek cultural institutions, NGOs, municipalities, individual citizens, the diaspora, this committee, to nourish these ties.

Finally, if confirmed, I will work with an outstanding Mission Greece team in an inclusive manner to bolster this already strong relationship.

Thank you for the opportunity to be here before you. I welcome your questions.

[The prepared statement of Mr. Tsunis follows:]

PREPARED STATEMENT OF GEORGE TSUNIS

Chairman Menendez, Ranking Member Risch, and esteemed members of the committee, I am honored to appear before you today as President Biden's nominee to be the U.S. Ambassador to Greece and I thank Senator Paul and Senator Casey for their introductions. I thank the President and Secretary Blinken for their trust and confidence in me, and I am grateful to this committee for considering my nomination.

But most of all and if you will permit me, I would like to express my heartfelt thanks to my parents. They heard Emma Lazarus' calling and immigrated to this country from Greece to build a better life for themselves and our family. My family is cognizant of the fact that if not for the Truman Doctrine, the world's first democracy would have been pulled into the Soviet orbit, and if not the Marshall Plan, Greece would have descended into mass starvation and poverty. I would not be here today were it not for the United States' willingness to provide opportunity for immigrants like my parents and for first-generation Americans like me. I am humbled by the President's nomination and view it as a chance to give back to the country that has given me and my family so much. I would also like to thank my wife Olga and our three children—James, Eleni, and Yanna—who are my bedrock of support. Thanks also to former Senator Alfonse D'Amato, my former boss, who's here to offer moral support. Thank you, Senator.

It is not an exaggeration to say that I have been blessed to live the American dream. After attending law school, I worked in government as an associate in a small law firm and then as a partner in a large firm until I followed my father into business as an entrepreneur when I founded Chartwell Hotels. During my tenure as CEO, Chartwell weathered the recession and experienced unprecedented growth. Having witnessed the strength and resilience of U.S. business in the international marketplace, I understand the importance of expanding our global business and trade. As an executive in the hospitality industry, I also understand how important it is to care for people. If confirmed, my top priority would be to ensure the safety and security of the many Americans who live, work, and travel in Greece.

Throughout my career, I've maintained a strong interest in foreign and economic affairs, and I've had the pleasure of contributing to public policy as a member of the Brookings Institution's Foreign Policy Leadership Committee and as a trustee with the Business Executives for National Security.

If confirmed, I will arrive in Athens at a crucial moment in U.S.-Greece relations. Our relationship is at an all-time high. The annual Strategic Dialogue has helped define the key pillars of the U.S.-Greece relationship, including cooperation on defense and security, law enforcement and counterterrorism, trade and investment, disaster preparedness, energy and climate, and people-to-people ties. Greece continues to make progress on all fronts as it pursues economic revitalization, overcomes the challenges of the pandemic, and grapples with tensions in the Eastern Mediterranean. What happens in Greece matters—not just for Greece, but for the Eastern Mediterranean region, NATO, the European Union, and the United States.

Economic opportunity is vital to the United States and to Greece. If confirmed, my top economic and commercial goals will be to build on efforts to accelerate trade and investment opportunities.

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The United States benefits from a strong and growing bilateral defense relationship with our NATO ally, Greece. If confirmed, I will continue to deepen this key relationship. Particularly noteworthy is the long-standing U.S. military presence at Souda Bay on the island of Crete from which the military conducted around 2,500 flights and 143 ship visits in 2021 alone. Our defense relationship has grown signifi-

cantly over the last five years, including through updates to the Mutual Defense Cooperation Agreement and greater training and deployments in Greece.

People-to-people ties form the bedrock of the U.S.-Greece relationship. If confirmed, I look forward to continuing to work with Greek cultural and educational institutions, NGO's, municipalities, individual citizens, and the diaspora to nourish these ties.

Finally, if confirmed, I will work with the outstanding Mission Greece team, in an inclusive manner, to bolster this already strong relationship.

Thank you for the opportunity to appear before you. I welcome your questions.

The CHAIRMAN. Thank you.

Dr. Van Schaack?

STATEMENT OF BETH VAN SCHAACK OF CALIFORNIA, NOMINATED TO BE AMBASSADOR-AT-LARGE FOR GLOBAL CRIMINAL JUSTICE

Ms. VAN SCHAACK. Chairman Menendez, Ranking Member Risch, distinguished members of this committee and your staffers, thank you so much for the opportunity to appear before you today.

I am very touched by Senator Booker's lovely and somewhat hyperbolic introduction. It is a great honor to have been nominated by President Biden to return to the office where I once served as deputy and to be Ambassador-at-Large for Global Criminal Justice.

I am grateful to the President and to Secretary Blinken for the confidence they have placed in me and also for giving me the opportunity to return to public service to advance global justice on behalf of the American people.

I am very pleased to be accompanied today by my husband, Brent Lang, and one of my dearest friends, Kim Keating. Supporting me virtually are my mom, Carol, and my two kids, Miles and Brooke. They are joining us from their respective perches at the universities of the great states of Washington and Michigan, respectively.

I am also thinking today of my late father, Eric, who was a veteran of the U.S. Army and who would be so proud of his two daughters—me, as I sit here before you today, and my sister, who is a devoted pediatrician and also a veteran of the U.S. Army.

My family has been an endless source of love and support over the course of my career in international justice, and for that I am forever grateful.

I am confident that my previous professional experiences position me well to lead the Office of Global Criminal Justice, which, as was mentioned, helps to advise the department and the interagency and Congress on U.S. policies on atrocities prevention and response and also to advance international justice efforts around the globe.

I started my legal career in the Office of the Prosecutor of the two War Crimes Tribunals for the former Yugoslavia and for Rwanda during the Renaissance of the Field in the 1990s.

Since then, I have worked in the field of transitional justice and on behalf of victims of grave international crimes as a practicing lawyer, as an academic, as a civil society advocate, as a diplomat, and as a mentor.

If confirmed, I hope that I will bring lessons learned from all of these incarnations to the role of Ambassador-at-Large and also to draw inspiration from the aspirations of survivors for justice and accountability.

If confirmed, I look forward to working with colleagues in the department, the interagency, here in Congress, and within civil society to advance the following interlocking priorities.

First, I would work to ensure that the United States provides steady leadership for international justice efforts around the world to tackle impunity and to ensure fair and effective proceedings in regional, international, hybrid, or national courts.

Second, if confirmed, I would ensure that the Office of Global Criminal Justice provides trustworthy expertise to department leadership, to our embassies and posts around the world, on the whole range of transitional justice mechanisms that are available to states emerging from situations of armed conflict or violence.

Third, I would work with other relevant offices to strengthen the atrocities prevention architecture across the United States Government to ensure a timely early warning and a robust response.

Fourth, I would commit to fully implementing the vitally important pieces of legislation that have emerged recently from Congress, including the groundbreaking Global Magnitsky and Global Fragility Acts, the Uighur Human Rights Policy and Forced Labor Acts, and the Elie Wiesel Act.

As you all well know, this a deeply bipartisan portfolio and, if confirmed, I look forward to building strong partnerships with members of Congress and all of your dedicated staff to ensure the robust execution of U.S. laws.

Fifth, I pledge to be a careful steward of the funds that Congress has entrusted to the Office of Global Criminal Justice, including with respect to the groundbreaking War Crimes Rewards program.

And finally, if invited to serve, I look forward to joining a tremendous team of civil servants, Foreign Service officers, and subject matter experts who are working tirelessly on a daily basis on behalf of victims of grave international crimes.

In this regard, I support work to diversify the department. I will mentor with care the next generation of U.S. diplomats and I will ensure the ability to foster morale within our office, notwithstanding its difficult subject matter.

Needless to say, there is much work to be done, given the rise of authoritarianism, the endurance of brutal conflicts around the world, and retrenchments in states' respect for human rights.

The United States was present at the founding of the Field of International Justice and, if confirmed, I will devote all of my energies to building upon this proud Nuremberg legacy within contemporary U.S. foreign policy.

I hope with these brief remarks I have conveyed my passion for the work, the broad-based expertise I would bring to the role of Ambassador-at-Large for Global Criminal Justice, and my enduring commitment to enhancing U.S. foreign policy around atrocities prevention and response.

Thank you, Mr. Chairman, Ranking Member Risch, members of the committee, for your consideration of my nomination. It would be a great honor to return to the State Department, and I look forward to your questions and, if confirmed, to working diligently with all of you all on these matters. Thank you.

[The prepared statement of Ms. Van Schaack follows:]

PREPARED STATEMENT OF BETH VAN SCHAACK

Chairman Menendez, Ranking Member Risch, and distinguished members of this committee—thank you for the opportunity to appear before you today. I am very touched by Senator Booker's generous introduction.

It is a great honor to have been nominated by President Biden to serve as Ambassador-at-Large for Global Criminal Justice and to return to the State Department office where I once served as Deputy. I am grateful to the President and to Secretary Blinken for the confidence they have placed in me and for giving me the opportunity to return to public service to advance global justice on behalf of the American people.

I am pleased to be accompanied today by my husband, Brent, my mom Carol, and my kids Miles and Brooke, who are joining us from the universities of the great states of Washington and Michigan, respectively.

I am thinking today of my father, a veteran of the U.S. Army, who would be very proud of his two daughters: me, as I sit before you today, and my sister, a devoted pediatrician and also an Army veteran. My family has been an endless source of love and support over the course of my career in international justice and for that I will be forever grateful.

I am confident that my previous professional experiences position me well to lead the Office of Global Criminal Justice, which helps to advise on the United States' policies around atrocities prevention and response and to liaise with international justice efforts around the world.

I started my legal career in the Office of the Prosecutor of the Yugoslavia War Crimes Tribunal in the 1990s, during the renaissance of the field of international criminal law. Since then, I have worked in the areas of international and transitional justice, and on behalf of victims of grave human rights abuses—as a practicing lawyer, a diplomat, a civil society advocate, an academic, and a mentor. If confirmed, I will bring lessons learned from all these incarnations to the role of Ambassador-at-Large and draw inspiration from the demands of survivors for justice and accountability.

First, I would work to ensure that the United States provides steady leadership in efforts to advance justice around the world—in international, regional, hybrid, or national courts and tribunals—to tackle impunity while ensuring fair and effective proceedings.

Second, if confirmed, I would ensure that the Office of Global Criminal Justice provides trustworthy expertise to Department leadership and our embassies and posts around the globe on the whole range of transitional justice tools that are available to states, including civil and criminal justice processes, truth-telling and historical memory exercises, reparations, psycho-social rehabilitation, and other measures to protect against a recurrence of violence.

Third, I would work with other relevant offices to strengthen the atrocities prevention and response architecture across the U.S. Government to ensure timely early warning and a robust response.

Fourth, I would commit to fully implementing the vitally important pieces of legislation Congress has enacted, including the groundbreaking Global Magnitsky, Uyghur Human Rights Policy and Forced Labor, and Elie Wiesel Acts as well as the suite of statutes allowing for the prosecution of individuals who stand accused of committing grave international crimes. As you well know, this is a deeply bipartisan issue, and—if confirmed—I look forward to building strong partnerships with members of Congress to ensure the robust execution of U.S. laws around atrocities prevention and response.

Fifth, I pledge to be a careful steward of the funds Congress has entrusted to the Office of Global Criminal Justice, including the War Crimes Rewards Program.

And finally, if invited to serve, I look forward to joining a tremendous team of civil servants, foreign service officers, and subject matter experts who are dedicated to working tirelessly on behalf of victims of atrocity crimes the world over. I commit to contributing to efforts to diversify the Department, to mentoring with care the next generation of U.S. diplomats, and to maintaining morale notwithstanding the office's difficult subject matter.

Given the rise of authoritarianism, the endurance of brutal conflicts around the world, and retrenchments in states' commitments to respect human rights, there is much work to be done. The United States was present at the founding of the field of international justice, and—if confirmed—I will be committed to building upon this proud Nuremberg legacy within contemporary U.S. foreign policy.

I hope with these brief remarks I have conveyed my passion for this work, the broad-based expertise I can offer, and my enduring commitment to enhancing U.S. foreign policy around atrocities prevention and response.

Thank you Mr. Chairman, Ranking Member, and members of this committee for your consideration of my nomination. It would be a great honor to return to the State Department and to the Office of Global Criminal Justice. I look forward to your questions and, if confirmed, to working diligently with you on these issues.

The CHAIRMAN. Thank you. Let me just take a moment also to acknowledge Senator D'Amato. We appreciate your service to our country and we welcome you to the committee here today.

We will turn to a round of five-minute questions by members. Before I do, I have questions that are asked on behalf of the committee as a whole. I ask each of you to give me a verbal yes or no response to each of these questions.

They are questions that speak to the importance that this committee places on responsiveness by all officials in the executive branch and that we expect and will be seeking from you. So please just provide a yes or no answer.

Do you agree to appear before this committee and make officials from your office available to the committee and designated staff when invited?

We will go down the aisle.

[All witnesses answer in the affirmative.]

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

[All witnesses answer in the affirmative.]

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

[All witnesses answer in the affirmative.]

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

[All witnesses answer in the affirmative.]

The CHAIRMAN. Thank you. All four nominees have answered yes to all of the questions. The chair will reserve his time.

Let me turn to the distinguished Ranking Member, Senator Risch, for his questions.

Senator RISCH. Thank you, Mr. Chairman.

Ms. Van Schaack, what are your thoughts on the ICC?

Ms. VAN SCHAACK. Yes, thank you for that question, Senator Risch.

The United States has a long history of supporting international justice institutions, as I mentioned, dating back to the Nuremberg era, to the 1990s with the Renaissance of the Field of International Justice and now to contemporary investigative mechanisms working around the globe to document and hold accountable those who stand accused of committing grievous international crimes.

I think the International Criminal Court is a part of that larger system. I think in an ideal world domestic courts would handle the bulk of these matters and there is work to be done with respect to U.S. foreign policy and programming to help develop domestic capacity so that domestic courts can handle that.

But in situations in which those domestic courts are genuinely unwilling or unable to do so, there may be a role for international institutions to step in.

The United States has a long-standing objection to the International Criminal Court exercising jurisdiction over the nationals of nonparty states, such as the United States, and I will continue to advance that objection, if confirmed, as I have done in the past.

But I do think that there are situations around the globe where there is a role for the International Criminal Court to play when the state has accepted jurisdiction or the court has jurisdiction by virtue of a referral from the Security Council exercising its peace and security mandate under the U.N. Charter.

Senator RISCH. I think that is an excellent analysis, really. I have objected to our participation in ICC just because of the way they have acted over the years and it is unfortunate, because the idea of an ICC, as you point out, going back to the Nuremberg trials is certainly, a laudable idea.

The difficulty, of course, is we wind up with such a tremendous prejudice against us and, for that matter, Israel finds itself in the same position, that we cannot subject ourselves to the jurisdiction of the ICC.

Those of us who work in the law are always stunned by how other countries—less developed countries—approach the law and have such a different view of what justice is than we do.

So at the present time, in any event, our membership in the ICC is probably—not probably, is not in the cards, and your answer to the fact that it does provide some jurisdiction and relief in some areas, I think, is appropriate.

But at the present time, our submission to that just is not appropriate. Are you in agreement with my analysis of the ICC?

Ms. VAN SCHAACK. Yes. Thank you for that analysis. I do think, and, as I mentioned, there is a role to be played and that we should be in a position to support proceedings before the court if it aligns with our foreign policy priorities, if it advances our national security interests, and if that work is, ultimately, in keeping with our core values around justice and accountability.

Senator RISCH. Thank you much. I appreciate that.

Ms. Cleveland, let me—I want to tell you that we are hoping for big things from you. This committee is getting what my staff calls the Heisman from the legal department. That is, we get a stiff arm and that is about all.

Just as an example, we asked for the department's response regarding the sanctions that are supposed to be put in place under Nord Stream 2, and this is a quote from the response we got from the legal team. Quote: "We want to know why the sanctions were not put in place." This is a quote: "We applied the statute. We looked at the relevant facts and determined the entity met the exception."

That is not what I expect from a lawyer, and gosh, you have got a heavy lift over there. And we are not the enemy on this committee.

Certainly, we are a different branch of government and sometimes have competing interests. But it is really important that we work together, particularly, in some of these areas.

So your thoughts?

Ms. CLEVELAND. Thank you, Ranking Member Risch, and I have heard this concern clearly from both your staff and Chairman

Menendez, and other members of your committee. I know it is a bipartisan concern.

As a teacher of U.S. foreign relations for over 20 years, I have always led my class with the importance of the constitutional role of Congress in foreign relations, including oversight, and I would firmly commit to making sure that your role is supported by receiving the information you need from the Office of the Legal Adviser, if I were confirmed.

Senator RISCH. That answer works for me. I hope you can execute. Thank you, Mr. Chairman.

The CHAIRMAN. Amen to that.

Senator Cardin?

Senator CARDIN. Thank you, Mr. Chairman, and let me thank all four of our nominees for their willingness to serve our nation, and we also thank your families.

Mr. O'Brien, I appreciated our conversation where we went over the importance of congressional sanction laws, including the Global Magnitsky, and the importance of coordinating those activities between the Administration and Congress so that we can be all on the same page on this.

We need to be more aggressive in the use of sanctions, and I look forward to working with you as we identify areas in which we think we can make some progress.

Professor Van Schaack, I want to talk a little bit about the legislations that you mentioned. They are bipartisan, including the Elie Wiesel Anti—Atrocities Prevention Act, and that was bipartisan.

I introduced it with Senator Young. It requires certain reports with Congress. The objective here is to prevent atrocities. That is, certainly, our goal. In order to do that, we have to have accountability for any activities and crimes that are committed.

I know that Secretary Blinken will be talking about this later this month in regards to compliance with the Atrocities Prevention Act, but I would like to get your views as to how aggressive you will be in the use of that statute and the use of your office working with Congress to deal with atrocities prevention and accountability for those who commit these crimes.

Ms. VAN SCHAACK. Thank you so much for that question and, frankly, for your leadership in this area. It is much appreciated, I know, from victims and survivor organizations around the world.

I can tell you that I would wake up every morning in this position, if I were confirmed, to think how can I push this portfolio forward today—what can I do today to advance justice around the world.

And I think the Elie Wiesel Act provides an incredibly important framework and a set of tools to strengthen the United States' response around both atrocities prevention and our ability to provide accountability for victims when it comes to perpetrators of grave international crimes.

I think there are a whole range of things we can do and each situation is unique in terms of the vectors of violence, the way in which resiliencies operate, the triggers for violence, the role of peace builders within those societies.

And so each situation will require, I think, a bespoke response and that is one place where I think the Office of Global Criminal

Justice, working with like-minded offices around the building and within the interagency, can work to coordinate a whole range of responses that would incapacitate perpetrators, document abuses, provide financial, operational, technical, diplomatic support to existing justice efforts to documentation efforts, and I think the office, while small, can play a really important coordination role in this regard.

So, if confirmed, I would pledge to, as I mentioned, work hard because, frankly, the victims of the world deserve our best efforts in this regard.

Senator CARDIN. And let me just add one additional part that I hope you would call upon us and Congress if you need additional support, resources, or legislation in order to support your efforts.

Because I agree with you, there is no higher priority than preventing atrocities and there are so many areas in the world today in which we see the circumstances that very clearly are moving towards atrocities and genocide.

You know you have partners here in Congress. Please work with us in order to make U.S. leadership effective in preventing atrocities.

Ms. VAN SCHAACK. Thank you. I will, Senator.

Senator CARDIN. Professor Cleveland, I just really want to underscore what Senator Risch said because there is bipartisan support in this committee, what the Chairman said in his opening comments about the use of Article Two. I would add to that the way in which delegated authority under the AUMF is handled by the Administration.

I recognize you have a client and you have to serve that client. But I also recognize that an open process with Congress and a very transparent process is critically important to the integrity of the rule of law, and the message that you have been teaching your students about the constitutional protections we have and their authorities of the Article One—the legislative branch of government.

So there would be no surprise that many of us totally disagree with the interpretations under the 2001 AUMF. We recognize the history over many administrations.

My question to you is not to get into the specifics on the 2001 AUMF but to have your commitment to work with us in a very open, transparent way as to how we can best serve our country and Congress carrying out its responsibilities.

We recognize that the President has Article Two powers. But we also recognize that when we delegate authority under an AUMF there has got to be a reasonable interpretation of that authority because it will affect future actions by Congress where we want to give some flexibility to the President but we will be reluctant if we do not have an understanding as to how these authorities are going to be interpreted.

Ms. CLEVELAND. Absolutely, Senator. Under Article One, Congress has the power to declare war and AUMFs are an exercise of that authority.

They are not a blank check for future use of force by the executive branch, and I would certainly commit to working closely with this committee on the shared goal, I think, with this administra-

tion of narrowing and making more specific a successor or revised version of the 2001 AUMF.

Senator CARDIN. Thank you. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Paul?

Senator PAUL. Mr. O'Brien, you mentioned in your opening remarks that sanctions need to be part of a strategy. I could not agree more. I would argue, though, that the vast majority of our sanctions have no strategy or have an incomprehensible strategy.

I will give you a couple of examples. For example, we are going to be debating later today or tomorrow whether or not we should sanction Nord Stream 2.

I have asked the sponsors of the bill what their strategy is, what is the behavioral change you would like on the part of Russia or Germany, and they said, we just do not want the pipeline.

We do not want them to sell oil to each other, sell natural gas to each other. And it is, like, well, that is not really a strategy that is achievable and not really one that, really, should be the role of the United States between two sovereign nations to say, oh, you cannot sell natural gas to each other.

The other problem with the sanctions is we are really eager to put them on people but we never articulate a reason to take them off. The threat of sanctions can actually have some effect.

For example, Germany and the United States came to an agreement last summer and they did issue a very succinct statement saying that if Russia were to invade or otherwise violate the integrity of Ukraine that there will be repercussions with regard to the pipeline and that—I think the threat of an action may have some deterrence.

But if we just say tomorrow we are no longer going to let you sell gas between Russia and Germany, I do not know what deterrence that effect has and what does—when are we going to remove those sanctions.

If you do not articulate what you are going to do to—what the other country needs to do to remove the sanctions, why have the sanctions at all?

There are categories of sanctions where I do not think you are really trying to change a country's behavior. You just want to punish people. So you want to punish people for being corrupt? Fine.

I voted for those, and maybe those have a deterrent effect the same way we have a punishment for crime here deters other people from committing those crimes. You can make that argument.

But it is hard to imagine—so, for example, we have sanctions on members of the Russian legislation—legislature because they advocated for the takeover—they complimented Putin for the takeover of Crimea.

When will those be removed, when Russia gives back Crimea? I guess that will be in the next Ice Age or something. They are never going to be removed. And so if we do not offer to remove sanctions or give countries a reason why we will remove sanctions, then they are of no value.

I would argue that it is very difficult to see a behavior that China has changed or Russia has changed or even Iran. People say,

well, the sanctions against Iran worked. They were international so they were more formidable.

But the reason they also worked is we finally went to Iran and said, if you do this we will do this. If you do not offer to do something, if it is always just punishment, punishment, punishment, and all you are going to do is say, we are unhappy with you, they are of no value. In fact, they just make it worse and make international relations worse.

I know you do not make the policy. We do, and this is more of a speech directed towards my fellow senators than you. But the question I would ask you is what behavior do you see that has changed in Russia or China because of our sanctions? Not the criminal sanctions. I am talking more about sanctions concerning policy.

Mr. O'BRIEN. Sorry. Thank you, Senator.

I agree with a lot of the analysis, and I look forward to working with you and making sure that we do set clear expectations, that the targets of our sanctions know what behavior they are supposed to undertake in order to have—to see sanctions relief, but that our partners also agree with us that the sanctions are part of the strategy and that we agree on when success has been achieved.

I think you raise a number of questions applying across sanctions policies, I think, requires a sort of deeper dive.

With regard to Russia and China, each of them in some way is acting as a malign and revisionist power at the moment. I think it is important that we attack the roots of that power and not simply some of the symbols.

And so I look forward to working with colleagues both in the executive branch and here to be sure that we understand what we are trying to accomplish when we do use sanctions, and that piece, I think, is important.

I oversaw a sanctions program years ago where it became clear that by relieving certain sanctions we could moderate some behavior, but that other sanctions were very effective at disrupting the core real power structure in the society and really did change policy behavior, and I think that that kind of analysis may be available to us, but that is something I look forward to working with you and your colleagues more on.

And I will just close by saying that one theme throughout my consultations with both majority and minority and with members of the committee has been the desire to have more conversation while sanctions are under consideration, and I will commit to that because I think a discussion about what our goals are early can often avoid the kind of showdown that happens when we are looking at a specific action. And so I will be happy to be part of those conversations, going forward.

The CHAIRMAN. Thank you. Let me thank the Senator for his—I think there are some very worthy insights, both as it relates to Nord Stream and beyond as it relates to how do we also consider how sanctions are relieved as a measure for people to be induced to do something because they want the relief from it. So we appreciate those insights.

Senator Booker?

Senator BOOKER. Thank you very much, Mr. Chairman. What I want to get back to with Dr. Van Schaack is just the issue of the ICC, which is, frankly, a lot more complicated, I think, given some of the decisions by the Trump administration and others.

I look at the Horn of Africa, for example, and the challenges we are facing with a lot of African countries because of the steps the ICC has taken, failing to do, as you said in your wonderful analysis to Senator Risch, looking less likely that they are going to comply or invite in the ICC's authority, and it creates a very difficult environment in a region in the Horn of Africa that is ripe with internationally human—international human rights violations.

And so I am wondering how you create that balance of the legitimacy of the ICC along with the urgency to get the participation of many of those nations.

Ms. VAN SCHAACK. Yes. Thank you for that question and I share your concern about the situation in the Horn of Africa and the deterioration there and, frankly, the risk of civilians in—either caught in the crossfire or being directly targeted by so many of the armed groups there—the Tigrayan forces, the National Forces, and even Eritrea's involvement in the Horn.

Ethiopia is not a member of the ICC so there is not an obvious pathway there. So it will be incumbent upon the nation to undertake its own transitional justice process as part of a larger political settlement, and I know that the Administration is working hard to try and encourage that through diplomacy, those sorts of movement towards bringing the parties to the table and reaching some sort of a negotiated solution.

A transitional justice program would have to involve everything from acknowledging harm to the survivors to restitution of property if that is necessary, and, ultimately to accountability to those most responsible.

The ICC may play a role, eventually. It would require either a Security Council referral or an acceptance of jurisdiction by Ethiopia.

As you mentioned, some African states and other states around the globe have voluntarily self-referred matters to the court on the recognition that their domestic system is unable to handle it or that there might—it might be helpful to have an international body dealing with certain cases while the domestic system deals with other cases.

And so, if confirmed in the role, I would look forward to working with our incoming Special Envoy to the Horn of Africa, others across the regional bureaus, et cetera, to try and encourage the parties in the Horn of Africa to reach a genuine transitional justice program that involves a measure of accountability for victims.

Senator BOOKER. And that alignment between where the ICC is resonating with our diplomatic gains, where there is—in countries who are members—are other areas, as you potentially ascend to this position, that—beyond the Horn—that you have really good ambition that we can make an impact from your office?

Ms. VAN SCHAACK. Absolutely. We have already seen in Central Africa that direct assistance and cooperation by the United States has led to some recent successes in the court.

I am thinking, for example, of the cases against Dominic Ongwen, who is the top commander of the Lord's Resistance Army, which is wreaking havoc in northern Uganda and elsewhere in the region.

In addition, Bosco Ntaganda, who was recently convicted of a whole series of war crimes and crimes against humanity, including the use and abuse of child soldiers and sexual violence as leader of the M23.

The United States was instrumental in bringing those individuals to The Hague and in assisting the prosecutor there with those prosecutions, and I think that is a role that we can play, going forward, again, as I mentioned, so long as the work of the court is consistent with our foreign policy priorities and that we are in a position to be supportive.

Senator BOOKER. I really appreciate it, and just to reiterate what I said earlier, your experience, your work in public service, your expertise, and your nationally recognized stature on these issues gives me great excitement about the difference you are going to make in a very important job that can, literally, save lives and prevent atrocities.

And real quick in my remaining time, Mr. Tsunis, I have a lot of concerns about China's continued investment in strategically important ports around the world.

We have seen China buy and invest in critical ports with stakes in ports in and along Africa's east coast, in critical shipping lanes in Asia and even in Europe, such as ports in Greece.

How do you assess China's investment in critical infrastructure, such as the Port of Piraeus, and what can the U.S. do to counter Chinese potential to lock on this port—lock up these areas and other critical infrastructure in Greece?

Mr. TSUNIS. Thank you for your question, Senator, and it is a very seminal one.

China has engaged in economic encroachment and malign influence. It is part of a very concerted effort and plan, and it is going to continue. The Risch China Report not only highlights various examples of this but it also speaks to transatlantic cooperation on how we counteract this.

I am proud to say that Greece chose a European partner for 5G and they are very clear eyed about what China is doing. I will also say that at the time of the purchase of the—of the tender of the Port of Piraeus, China was the only offer.

We need to show up. We need to be aggressive. It is very clear that they are looking to make critical infrastructure investments in interconnectors, grids, and ports, and then use that economic influence and through more geopolitical influence to promote the interests of the PRC and the Communist Party of China.

If confirmed, I pledge to work with the Administration, this committee, the Government of Greece, to counteract this, and as a business person I understand what it is to compete aggressively in business transactions.

Senator BOOKER. I really appreciate that, and not only the nuances of your answer, but you showed great diplomacy there by mentioning Ranking Member Risch's very important report.

The CHAIRMAN. We give the Ranking Member and his staff credit that that was actually a very good report.

Senator Young?

Senator YOUNG. Thank you, Chairman. Congratulations to all of our nominees and thank you for your interest in serving our country.

Ms. Cleveland, in August this committee held a hearing examining my legislation with Senator Kaine that would repeal the 1991 and 2002 authorizations for the use of military force against Saddam Hussein's regime in Iraq.

I would remind anyone who is within earshot of this committee that Saddam Hussein is dead—no longer in power, therefore.

I appreciated hearing from your predecessor on this issue, Acting Legal Adviser Richard Visek. I believe repealing these outdated AUMFs sends a critical signal that the United States is no longer an adversary of Iraq but a partner.

More importantly, it reasserts Congress' prerogative, which you have duly affirmed and acknowledged in your testimony today, on the critical decisions related to going to war.

If confirmed, would you support moving forward with the repeal of these authorities?

Ms. CLEVELAND. Thank you, Senator, for this important question and for your very important leadership on this issue. I know that repeal of the 1991 and 2002 AUMFs is supported by this administration, and I absolutely would work with this committee to achieve that.

Senator YOUNG. Thank you.

And in your view, Ms. Cleveland, do you believe repealing these outdated AUMFs would impede military activities or counterterrorism operations around the world?

Ms. CLEVELAND. No, Senator. The administration has made clear, including in the August hearing, that the current authorities under the 2001 AUMF and the President's Article Two constitutional authority to act to defend the United States when necessary are sufficient to address current counterterrorism and other challenges.

Senator YOUNG. Thank you. And knowing that you are a law professor and trained in all things legal, you are no doubt skilled in entertaining hypotheticals before courts of law, courts of public opinion, and other venues.

I am going to give you a very plausible scenario. If you are to be confirmed and U.S. personnel in Iraq are attacked by Iranian-backed militias, is there anything whatsoever that would stop the President of the United States under Article Two authority from responding to such an attack if these AUMFs—again, pertaining to 1991 and 2002 authorizations against Saddam Hussein's regime in Iraq—were repealed?

Ms. CLEVELAND. No, Senator.

Senator YOUNG. Thank you.

Mr. O'Brien, congratulations to you as well, sir. India is currently taking delivery of the Russian S–400 system and potential action, which has led some of my colleagues to call for sanctions under CAATSA.

The Indians are also in the process of acquiring new frigate ships from Russia. Both are important systems for the Indians.

As most here know, the Indians have a lot of legacy systems from previous decades and they are interoperable with the Russians' systems, and the Indians seek to defend their land border from Chinese incursions and defend the Indian Ocean from an increasingly adventurous and lawless Blue Ocean Navy and the People's Liberation Army.

India is a vital ally in our competition against China and, thus, I believe we should resist taking any actions that might drive them away from us and the Quad.

I am, therefore, strongly supportive of waiving CAATSA sanctions against India, given our shared foreign policy interests.

Mr. O'Brien, does our experience with Turkey provide any warning or lessons for how to proceed with India? I believe they are very different circumstances and, of course, different security partnerships. But how do you believe we should think about the possibility of sanctioning our friends and not just threats?

Mr. O'BRIEN. Thank you, Senator. Thank you for your leadership on sanction issues, generally, and I look forward to working with you on this and other issues, going forward.

As you say, I think it is difficult to compare the two situations with a NATO ally that is breaking with legacy defense procurement systems and then with India a growing—a partner of growing importance but that has legacy relationships with Russia.

The administration has made clear that it is discouraging India from proceeding with the acquisitions of Russian equipment and there are important geostrategic considerations, particularly with the relationship to China.

So I think we have to look at what the balance is and, of course, India has got some decisions in front of it so it would be premature to say more. But this is something I look forward to working with you and other interested members.

Senator YOUNG. All right. I am over my time and I, too, look forward to working with you. I enjoyed our visit and anticipate supporting your confirmation. Thank you.

The CHAIRMAN. Thank you.

Senator Hagerty?

Senator HAGERTY. Thank you, Mr. Chairman, and congratulations to all of our nominees who are here today.

Mr. Tsunis, I would just like to, first, congratulate Senator Booker for a very insightful question about the Port of Piraeus.

But I also want to comment on your very thoughtful answer and approach as a business person. We need more people with your sort of background in these important diplomatic posts.

So congratulations to you on your nomination. Thank you for bringing that perspective—that valuable perspective to diplomacy.

Mr. O'Brien, I would like to ask a question of you regarding sanctions with respect to Iran. In my prior post as U.S. Ambassador to Japan, I worked very hard to get Japan to agree to so-called secondary sanctions, to get them to stop buying Iranian crude oil.

In fact, we worked very hard to make that happen around the world, and we reduced Iran's crude exports by 75 percent. Today, Iran has accelerated its exports through more clandestine activity.

Their exports now are approaching the levels they were before these sanctions were ever imposed.

And we have a team negotiating in Vienna that is wondering why Iran will not come to the table. Well, Iran is getting the revenues that it needs, it is getting the fuel that it wants to continue to become a nuisance around the world.

They are the largest state sponsor of terror and they are generating revenue in this regard because we are not properly implementing these sanctions. Iran is being allowed to produce more oil.

Can you speak to what you will be able to do to help properly implement these sanctions and stop this?

Mr. O'BRIEN. Thank you, Senator. It is an incredibly important question.

For all of the arguments that have gone on about the right approach to Iran, I think there is strong bipartisan agreement that Iran is a malignant actor.

It is, as you say, a sponsor of terrorism. It brings instability across its region and its nuclear program allows it to threaten oil supplies and the globe. So this, plus the ballistic missile program, are all items that we have to find a way to address.

I will work to implement sanctions fully and effectively. That means working with our partners, and thank you for your work bringing the Japanese along and other allies who had been large consumers of Iranian oil and petrochemical products.

We are now in a situation where a smaller set of states have decided to scoff at international sanctions, and so we have to adapt our program to be able to stay one step ahead of them.

There is real impact if Iran is forced merely to work on a bartering or cash and carry basis. But we need to try to start shutting off those avenues and so not just with regard to Iran, but globally.

I thank the Congress and the Administration for setting a new policy course dealing with anti-corruption activities because the ability to interdict the flow of money, the sort of opaque flows of money that allow for sanctions evasion, will be a tremendously important tool for addressing these concerns, going forward.

So that is something, as I learn more, I will be happy to speak with you about.

Senator HAGERTY. I would appreciate your continuing to follow up with this committee.

I would like to touch on another area of concern. That is North Korea. Again, while I have served as U.S. Ambassador to Japan, North Korea launched intercontinental ballistic missiles over Japan. They even tested what I believe was a hydrogen bomb while I was there. We imposed maximum pressure at that time.

What we are seeing now, though, is a resurgence of North Korea's belligerence. They are testing hypersonics. They are testing intercontinental ballistic missiles. Yet, the current administration has only begun to impose sanctions in December with only one tranche of sanctions.

Can you speak to what your plan would be for North Korea?

Mr. O'BRIEN. We will be happy to work with you on that as we go forward. As you say, the Administration is putting in place its policy.

I think a strong sanctions program is a critical part of our approach to North Korea, not just unilaterally but with our friends and allies. And, again, your experience in Japan will make you a really important colleague in developing that, Senator.

Senator HAGERTY. I hope you will commit to keeping this committee informed on a regular basis of your progress with sanctions.

Mr. O'BRIEN. Yes.

Senator HAGERTY. Thank you.

Ms. Cleveland, I would like to turn to you, very quickly, to raise an issue that is deeply important to me. It has to do with one of my constituents, one of my constituents that is suffering in the Japanese criminal justice system, the so-called hostage justice system of Japan.

Secretary Blinken is well aware of the problem. Many members of the State Department are and are working on this.

But I would encourage you and ask that you take a hard look at all of the tools that the United States might implement to help Mr. Greg Kelly, who has been trapped in the system for over three years, to get him home, to get him released.

This is a situation that has bipartisan support by members of this committee, which I very much appreciate, and it is something that is greatly concerning to me, and it is an injustice that has gone on for far too long and it damages our national interest with one of our strongest allies, Japan, and America.

So I would very much appreciate your commitment to take a very hard look at that.

Ms. CLEVELAND. Thank you, Senator, for raising this very important humanitarian concern. I would absolutely work with you and this committee to look into this.

I am somewhat familiar with the difficulties with the Japanese criminal justice system, and they are a matter of concern to me. I will, certainly, take great interest in the situation of Mr. Kelly.

Senator HAGERTY. Thank you very much.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Several members have not been able to attend the hearing because of Senator—former Senator Reid's memorial. As a matter of fact, the Chair himself is part of the committee to receive Senator Reid in state.

So the Chair and others will be submitting questions for the record. I would urge you to answer them fulsomely, fully, and expeditiously so that your nominations can be considered at a business hearing.

And with that and the thanks to the committee, this hearing is adjourned.

[Whereupon, at 10:48 a.m., the hearing was adjourned.]

Additional Material Submitted for the Record

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO SARAH H. CLEVELAND BY SENATOR ROBERT MENENDEZ

Question. I commend Secretary Blinken and other senior officials at the State Department for prioritizing diversity to ensure that the Department reflects the makeup this country.

- How do you intend to ensure that the Office of the Legal Adviser recruits and retains a diverse workforce?

Answer. As Secretary Blinken has expressed, our country's diversity is one of our greatest strengths. I agree that it is imperative that the Department recruits, retains, and supports a workforce that truly reflects the country it represents. As with the rest of the Department, the Office of the Legal Adviser (L) has a responsibility to cultivate a diverse workforce and an equitable, inclusive, and accessible workplace. I am committed to recruitment and retention practices that connect with and retain individuals who reflect the diversity of our country. If confirmed, I would work with the Office of Diversity and Inclusion, the Bureau of Global Talent Management, and the Office of Civil Rights to ensure L is implementing best practices for recruitment and retention, including diversifying its outreach and recruitment efforts.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO SARAH H. CLEVELAND BY SENATOR JAMES E. RISCH

Question. Under the Constitution, the President and the Senate share the treaty-making power. Over the last few decades, the President has increasingly claimed the authority to unilaterally withdraw from treaties with no further action by the Senate or Congress. Reserving the right to object to such a claim of authority to which the Senate has not consented, some have argued that, in recent cases, the President has failed to adequately notify the Senate in advance of such a unilateral withdrawal.

- What is your view with respect to the Senate's role in treaty withdrawal?

Answer. The administration respects the constitutional role of the Senate in treaty making, and I share that respect. Treaty-making is a shared power, and Article II of the Constitution makes clear the role of the Senate in providing advice and consent with respect to the power to enter into treaties. The Constitution, however, does not expressly address the issue of treaty withdrawal, and the Supreme Court has not definitively resolved the issue. As a matter of longstanding practice, the President has acted on behalf of the United States in suspending or terminating U.S. treaty commitments and in withdrawing the United States from treaties, either on the basis of the treaty's terms (such as a withdrawal clause) or on the basis of international law that would justify such action. I believe that the Senate's understanding of, and support for, significant decisions regarding U.S. treaty obligations is very important. Accordingly, if confirmed, I would advise the Administration to engage actively with the Senate and this Committee prior to the President making a decision to withdraw the United States from a treaty.

Question. Should the President, acting through the Secretary of State, notify the Senate in advance of any presidential decision to suspend, terminate, or withdraw from any treaty that has received Senate consent to ratification?

Answer. I believe that the Senate's understanding of, and support for, significant decisions regarding U.S. treaty obligations is very important. Accordingly, if confirmed, I would advise the Administration to notify the Senate prior to the President making a decision to suspend, terminate, or withdraw the United States from any treaty that has received Senate consent to ratification.

Question. Should the Secretary provide to the Senate, through the Foreign Relations Committee and with adequate advance notice, a detailed written justification for the withdrawal?

Answer. I believe that the Senate's understanding of, and support for, significant decisions regarding U.S. treaty obligations is very important. I also believe it is important for the Administration to explain both to the Senate and to the public the reasons for significant decisions regarding U.S. treaty obligations. Accordingly, if confirmed, I would advise the Administration to provide adequate advance notice to the Senate prior to the President making a decision to suspend, terminate, or with-

draw the United States from any treaty that has received Senate consent to ratification, including providing a clear written public explanation of any decision to withdraw from a treaty.

Question. In your view, what does "advice and consent" mean? What is and should be the role of the Senate be with respect to entering into and terminating treaties?

Answer. The Constitution's Treaty Clause provides that the President "shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur." Accordingly, in order to consent for the United States to be bound by a treaty within the meaning of the Treaty Clause, the President must receive the concurrence of two-thirds of the Senators present when the Senate considers the treaty in question.

The Constitution does not expressly address the issue of treaty withdrawal, and the Supreme Court has not definitively resolved the issue. As a matter of longstanding practice, the President has acted on behalf of the United States in suspending or terminating U.S. treaty obligations and in withdrawing the United States from treaties, either on the basis of the treaty's terms (such as a withdrawal clause) or on the basis of international law that would justify such action. I believe that the Senate's understanding of, and support for, significant decisions regarding U.S. treaty obligations is very important, and I also believe it is important for the Administration to explain both to the Senate and to the public the reasons for significant decisions regarding U.S. treaty obligations. Accordingly, if confirmed, I would advise the Administration to provide adequate advance notice to the Senate prior to the President making a decision to suspend, terminate, or withdraw the United States from any treaty that has received Senate consent to ratification, including providing a clear written public explanation of any decision to withdraw from a treaty.

Question. What is the scope of the President's authority to abrogate a treaty or other international agreement? Is it unlimited? If not, what are the limitations?

Answer. As a matter of longstanding practice, the President has acted on behalf of the United States in suspending or terminating U.S. treaty commitments and in withdrawing the United States from treaties, at least on the basis of the treaty's terms (such as a withdrawal clause) or on the basis of international law that would justify such action.

Question. In your view, does the President have the authority to re-join a treaty without resubmitting that treaty to the Senate for advice and consent? Please explain.

Answer. The Constitution does not expressly address the question of the authority to re-join a treaty, and the Supreme Court has not considered it. Ordinarily, I would expect that the President would seek and obtain the Senate's advice and consent in order to rejoin an Article II treaty from which the United States had withdrawn. There may be circumstances, however, in which other sources of authority would allow the President to rejoin a treaty without the Senate's advice and consent. For example, in 2017, Congress passed legislation authorizing the President to rejoin the agreement establishing the Bureau of International Expositions, which the United States had ratified with the Senate's advice and consent in 1968 and withdrawn from in 2002. *See* P.L. 115–32. The State Department's Digest on the Practice of the United States in International Law, 2017 indicates that the United States rejoined that agreement in reliance on this statutory authority rather than on the Senate's advice and consent.

Question. In testimony before the Senate Foreign Relations Committee, expert legal witnesses have suggested that Congress consider requiring the reporting of significant non-binding political commitments to Congress. Should Congress be informed of these non-binding arrangements? If so, in what form?

Answer. I respect the constitutional oversight responsibilities of the committee and the importance of transparency to fulfilling that function. I am aware of the committee's strong interest in significant non-binding political commitments, and I believe that appropriate mechanisms should be identified to ensure that the Congress is informed of such commitments. I am generally aware of the ongoing conversations regarding this issue between the committee and the State Department. I am not in the government and have not had occasion to consider the particular form such a mechanism might take. If confirmed, I would seek the views of both the State Department and the committee before forming a considered view on this question. As a general proposition, though, I support establishing additional reporting and publication mechanisms to ensure that significant non-binding instruments are brought to the attention of the committee.

Question. The Case-Zablocki statute (22 U.S.C. 112b) requires the Secretary to provide to the Congress the text of international agreements to which the United States has agreed to become a party. The intent of the statute is to ensure Congress is fully informed of executive decisions to create international, legally binding obligations on the United States.

In recent years, presidents have made "political" or "oral" agreements with potentially binding commitments on the United States. Successive administrations appear to have taken the view that such agreements fall outside the scope of Case-Zablocki and therefore do not have to be provided to the Congress.

In testimony before the Senate Foreign Relations Committee, expert legal witnesses have suggested that Congress consider requiring the written reporting of significant binding political commitments that have not been reduced to writing to Congress.

- What are your views regarding providing the Senate with the written text of any political or oral agreement intended to be binding on the United States under international law?

Answer. The Case-Zablocki Act, 1 U.S.C. 112b, provides that 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. I believe this requirement extends to any agreement that gives rise to rights or obligations for the United States under international law.

Question. With respect to any oral international agreement or political commitment that creates or is intended to create a legally binding commitment for the United States under international law, will you commit, if confirmed, to working with Congress to establish a meaningful process for reducing such commitments or agreements to writing and transmitting to the Congress the text of such agreement?

Answer. Yes. The Case-Zablocki Act, 1 U.S.C. 112b, provides that 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. I believe this requirement extends to any agreement that gives rise to rights or obligations for the United States under international law. While I have not had the opportunity to review the existing process, if confirmed, I commit to reviewing existing procedures and helping to advise on new procedures, if necessary, to ensure that the act is implemented.

Question. Although the State Department's Circular 175 process calls for consultation with Congress on treaties and agreements, it does not provide much guidance on how such conversations should occur. As a practical matter, no established routine procedure for consultation with the Senate (formal or informal) currently appears to exist, at least from the perspective of the Senate side. In recent years, to the extent they occur, State Department briefings to the Senate Committee on Foreign Relations (SFRC) have been ad hoc and by affirmative request of the committee.

The paucity of information has led some Senators to grow skeptical with respect to treaties presented to the committee for advice and consent but completed without the opportunity for consultation. This problem is further complicated if the treaty requires implementing legislation on subject matter over which another Senate committee may have jurisdiction. As a result, some Senate Foreign Relations Committee Senators have expressed wariness with taking up such treaties. Avoidable misunderstanding and confusion can result, complicating or preventing required Senate action.

Alternatively, with a more regularized and institutionalized consultation process with SFRC, the Senate and administration can develop a more dynamic approach to these agreements. Enhanced and meaningful consultation can build support for these agreements and prove valuable in increasing Senate understanding of administration policy objectives over time.

- Will you commit to directing the Department to address this oversight and work with the committee to establish a process under which the Department will, on a regular periodic basis, engage in meaningful, advance consultation with the SFRC regarding the Departments' intention to negotiate significant international agreements and treaties?

Answer. I respect the Senate's constitutional role in treaty-making and believe that the Senate's understanding of, and support for, significant decisions regarding U.S. treaty obligations is very important. Accordingly, if confirmed, I would commit to reviewing existing procedures and work to help advise on new procedures if necessary to ensure active and consistent engagement with the Senate with regard to plans to negotiate significant international agreements and treaties.

Question. In general, will you commit to working with this Committee to ensure timely feedback on draft legislative text when solicited if you are confirmed?

Answer. Yes, if confirmed, I would work to help ensure timely feedback from the Department on draft legislative text consistent with relevant procedures.

Question. In October 1999, the Senate voted to reject the Comprehensive Test Ban Treaty by a vote of 51–48.

Setting aside the fact that the United States Senate has not consented to ratification of the Vienna Convention on Treaties, please describe your views with respect to the scope of the "provisional application" doctrine.

Answer. In terms of its scope, the international law doctrine of provisional application of treaties applies to instances in which states have agreed to apply some or all of the terms of a treaty on a provisional basis pending its entry into force. Under U.S. law, if the advice and consent of the Senate, or congressional approval, is required but has not yet been obtained for an agreement to enter into force for the United States, a commitment that the agreement shall have provisional effect for the United States must rest on another agreement, on a statute, or on the President's own constitutional authority. With respect to the CTBT specifically, I understand that the treaty contains no article on provisional application, and is not provisionally applied.

Question. What are your views with respect to the legal effect of a Senate vote to reject a treaty?

Answer. Under Article II of the Constitution, the President may make treaties by and with the advice and consent of the Senate, provided that two-thirds of the Senators present concur. If two-thirds of the Senators present do not concur, the President may not make the treaty. The failure of a treaty to receive two-thirds approval in a Senate vote would not, however, preclude the Senate from reconsidering the treaty at a later time, or preclude the President from making the treaty if the treaty receives the concurrence of two-thirds of the Senators present in a subsequent vote.

Question. If rejected, does the President have authority to subsequently implement the provisions of that treaty in spite of that vote?

Answer. Under Article II of the Constitution, the President may make treaties by and with the advice and consent of the Senate, provided that two-thirds of the Senators present concur. If two-thirds of the Senators present do not concur, the President may not make the treaty.

Whether the President may take actions that are consistent with the provisions of a treaty to which the United States is not a party will depend on what the actions entail and whether the President has relevant sources of Constitutional or statutory authority or obligations to take them. A decision by the Senate not to give its advice and consent to the ratification of a treaty would not, by itself, repeal pre-existing statutes or other authorities or obligations under domestic law that could be relied upon to take actions consistent with a treaty, nor would it bar the President from carrying out such statutes or other authorities.

Question. Does such a Senate vote place limits on a future claim of presidential authority to provisionally implement the rejected treaty?

Answer. Whether the President may take actions that are consistent with the provisions of a treaty to which the United States is not a party will depend on what the actions entail and whether the President has relevant sources of Constitutional or statutory authority or obligations to take them. A decision by the Senate not to give its advice and consent to the ratification of a treaty would not, by itself, repeal pre-existing statutes or other authorities or obligations under domestic law that could be relied upon to take actions consistent with a treaty, nor would it bar the President from carrying out such statutes or other authorities.

Question. Please describe your views with respect to the binding legal effect of the Senate's inclusion of conditions to consent to ratification of a treaty under constitutional advice and consent, such as reservations, understandings, and declarations (RUDs). If the President decides to ratify a treaty to which the Senate has consented but has also included such RUDs in its resolution of consent to ratification,

is the President legally bound to implement such conditions as included by the Senate in its consent to ratification resolution?

Answer. The Senate may attach reservations or other conditions to its advice and consent to a treaty as long as they relate to the treaty and are not inconsistent with the Constitution. If the President ratifies a treaty after obtaining the Senate's advice and consent, he or she is deemed to have accepted any such conditions.

Question. The War Powers Resolution requires congressional notifications when United States Armed Forces are introduced into hostilities or into situations where there is imminent involvement in hostilities.

• In your legal opinion, what do you think the term "hostilities" means?

Answer. For purposes of the War Powers Resolution, the Executive Branch has generally interpreted the term "hostilities" as situations in which U.S. armed forces are actively engaged in exchanges of fire with hostile forces. In addition to reporting in any case in which United States Armed Forces are introduced "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances," the War Powers Resolution also requires notification to Congress in any case in which United States Armed Forces are introduced "into the territory, airspace or waters of a foreign nation, while equipped for combat, except for deployments which relate solely to supply, replacement, repair, or training of such forces" or "in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation."

Question. Separate from military action authorized under the 2001 Authorization for the Use of Military Force (AUMF), do you believe the United States has been or is engaged in ongoing hostilities in Yemen? Please explain.

Answer. It is my understanding that the United States has provided limited support to Saudi-led coalition military operations against Houthi and aligned forces in Yemen, including certain logistical and advisory support. It is also my understanding that President Biden directed an end to U.S. support for the Saudi-led Coalition's offensive military operations against the Houthis in Yemen, but that U.S. forces, in a non-combat role, continue to provide military advice and other limited support to regional forces for defensive and training purposes only as they relate to the Saudi-led Coalition's campaign against the Houthis in Yemen. I understand that the Administration has taken the position that such support has not amounted to engagement in hostilities for purposes of the War Powers Resolution. As I am not currently in government, I do not have access to all the relevant facts or legal analysis. However, if confirmed, I will look closely at this issue.

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

Answer. It is the position of this and prior administrations, based on now longstanding judicial precedent, that detainees at the Guantanamo Bay Detention Facility are held pursuant to the 2001 AUMF, as informed by the laws of war. The AUMF authorizes detention of individuals who were part of, or substantially supported, al-Qaida or Taliban forces and their associated forces that are engaged in hostilities against the United States or its coalition partners. The AUMF generally authorizes detention until the end of hostilities. Separate from the legal authority to detain, detainees designated for continued law-of-war detention are eligible for review by the Periodic Review Board, an administrative, interagency body established under Executive Order 13567 to determine whether detention of eligible Guantanamo detainees remains necessary to protect against a continuing significant threat to U.S. security. My understanding is that as of January 12, 2022, there are about 18 detainees that have been determined to be eligible for transfer. If confirmed, I will support the Department of State's efforts to identify appropriate transfer locations and negotiate security and humane treatment assurances.

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

Answer. I share this Administration's view that the 2001 AUMF is not a blank check for the use of force by the Executive Branch and that it does not authorize force against all terrorist groups. It has been the longstanding view of the Executive Branch that the 2001 AUMF authorizes the use of force against al-Qa'ida, the Taliban, and "associated forces." To be considered an "associated force," the Executive Branch has explained that an entity must satisfy two conditions: first, the entity must be an organized, armed group that has entered the fight alongside al-Qa'ida or the Taliban; and second, the group must be a co-belligerent with al-Qa'ida or the Taliban in hostilities against the United States or its coalition partners. If con-

firmed, I am committed to ensuring that Congress is well informed about these very important matters.

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

Answer. For over 20 years I have taught law students about the importance of the constitutional role of Congress in U.S. foreign relations, including the use of force. I recognize and respect Congress' constitutional power to declare war.

I understand that this and prior Administrations have taken the view that the President may order military action without the prior approval of Congress only when (1) that action serves an important national interest, and (2) the reasonably anticipated nature, scope, and duration of the operation and any anticipated responses would not rise to the level of "war" for purposes of the Constitution's Declare War Clause. Whether acting under statutory or constitutional authority, the President must also conduct such operations in accordance with international law, including the law of war principles of military necessity, humanity, distinction, and proportionality.

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

Answer. I understand that President Biden has committed to working with Congress to ensure that outdated authorizations for the use of military force are replaced with a narrow and specific framework that will ensure that we can continue to protect Americans from terrorist threats. I share that goal. If confirmed, I look forward to working with the committee and Congress on this important and complex task.

Question. Is it possible for Congress to update the 2001 AUMF without negatively impacting current detention authority for terrorist detainees?

Answer. Yes. The administration believes that any new or updated AUMF should include language that avoids undermining the legal basis for ongoing operations that the President and Congress deem necessary to address ongoing threats, and provide for uninterrupted authority to continue those efforts. If confirmed, I would look forward to working closely with the committee and Congress on this important issue.

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

Answer. The administration believes that any new or updated AUMF should include language that avoids undermining the legal basis for ongoing operations that the President and Congress deem necessary to address ongoing threats, and provide for uninterrupted authority to continue those efforts. If confirmed, I would look forward to working closely with the committee and Congress on this important issue.

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

Answer. The administration believes that any new or updated AUMF should include language that avoids undermining the legal basis for ongoing operations that the President and Congress deem necessary to address ongoing threats, and provide for uninterrupted authority to continue those efforts. If confirmed, I would look forward to working closely with the committee and Congress on this issue.

Question. Do you believe that the 2001 AUMF authorizes the use of military force against associated forces of Al Qaeda?

Answer. Yes. It has been the longstanding view of the Executive Branch that the 2001 AUMF covers "associated forces" of al-Qa'ida or the Taliban, and that to be considered an "associated force" an entity must satisfy two conditions: first, the entity must be an organized, armed group that has entered the fight alongside al-Qa'ida or the Taliban; and second, the group must be a co-belligerent with al-Qa'ida or the Taliban in hostilities against the United States or its coalition partners. I share the Administration's view that the 2001 AUMF is not a blank check for the use of force by the Executive Branch and that it does not authorize force against all terrorist groups. If confirmed, I am committed to ensuring that the Administration engages with the committee and Congress in determining the appropriate scope of the current or any future AUMF.

Question. Do you believe that any legislative update to the 2001 AUMF should contain geographic constraints? Why or why not?

Answer. President Biden has committed to working with Congress to ensure that outdated authorizations for the use of military force are replaced with a narrow and specific framework that will ensure that we can continue to protect Americans from terrorist threats. I share that goal. Reforming the 2001 AUMF is an extremely complex task. As I am not currently in government, I do not have all the relevant facts and answers on what a new or revised authority should look like. If confirmed, I am committed to working with the committee and Congress on this important task.

Question. Do you believe that any legislative update to the 2001 AUMF should include a hard sunset? Why or why not?

Answer. President Biden has committed to working with Congress to ensure that outdated authorizations for the use of military force are replaced with a narrow and specific framework that will ensure that we can continue to protect Americans from terrorist threats. I share that goal. Reforming the 2001 AUMF is an extremely complex task. As I am not currently in government, I do not have all the relevant facts and answers on what a new or revised authority should look like. If confirmed, I am committed to working with the committee and Congress on this important task

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

Answer. Yes. The administration supports repeal of the 2002 AUMF, and I do as well. President Biden has committed to working with Congress to ensure that outdated authorizations for the use of military force are replaced with a narrow and specific framework that will ensure that we can continue to protect Americans from terrorist threats. The administration has stated that the United States has no ongoing military activities that rely solely on the 2002 AUMF as a domestic legal basis, and that repeal of the 2002 AUMF would likely have minimal impact on current counterterrorism operations. The administration has made clear that the 2001 AUMF and the President's Article II authorities are sufficient to address current counterterrorism threats and defend U.S. national security. If confirmed, I look forward to working with the committee and Congress on this issue.

Question. Do you believe the 2002 AUMF provided an independent legal basis for the strike against Solemani?

Answer. I was not in government at the time, so I cannot speak to the specific legal basis for the strike or the sensitive intelligence or other information upon which the legal and policy analysis at the time was based. If confirmed, I will look carefully at this issue.

Question. How would a repeal of the 2002 AUMF impact current detention operations?

Answer. As I understand it, repeal of the 2002 AUMF would not impact current detention operations because those operations rely on the authority of the 2001 AUMF.

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

Answer. If confirmed, I commit to working closely with this Committee and directing my staff to regularly brief this Committee and to address any questions it may have regarding use of force undertaken pursuant to the 2001 AUMF, 2002 AUMF, or Article II of the U.S. Constitution.

Question. On November 23, 2020, then-President-elect Joe Biden announced his intent to appoint former Secretary of State John Kerry to be a "Special Presidential Envoy for Climate." In response to committee questions regarding whether Special Envoy John Kerry is legally required to be submitted to the Senate for Advice and Consent, the State Department has informed the committee an administration legal view that:

> Envoys who have only a discrete and temporary mission and do not fill a "continuing position established by law," *see Lucia* v. *SEC,* 138 S. Ct. 2044, 2051 (2018), historically have not been considered "public ministers" or "Officers of the United States" to whom the Appointments Clause applies. *See* Officers of the United States Within the Meaning of the Appointments Clause, 31 Op. O.L.C. 73, 102–05 (2007)."

- Do you agree with this legal assessment? Why?

Answer. I am not in the Administration, and therefore do not have access to any specific legal analysis underlying this opinion. However, it is my understanding that the O.L.C. Opinion you cite is the legal position of this administration, as it has been of prior administrations, and remains in effect. It is also my understanding

that the President recently signed into law an NDAA amendment, supported by the committee, which prescribes a specific role for the Senate regarding Special Envoys starting in January 2023, including by providing that the President shall nominate for Senate advice and consent any Special Envoy or other appointee who will be "exercising significant authority pursuant to the laws of the United States" subject to certain exceptions.

Question. Special Envoy Kerry remains in his position. Is this position "temporary"?

Answer. Since I am not in government, I have not had access to the full factual record or any legal analysis surrounding this position. If confirmed, I would examine the issue and consult my colleagues at the Department of Justice regarding any such questions.

Question. For appointment clause purposes, at what point is a position no longer considered discrete and temporary?

Answer. Since I am not in the Administration, I have not had access to any legal analysis surrounding this question. It is my understanding that such an assessment would consider the specific facts and circumstances of a particular position and would involve assessments made by the Department of Justice. If confirmed, I would examine the issue and consult my colleagues at the Department of Justice regarding any such questions.

Question. Is it possible for the Special Envoy Kerry's position to be considered "discrete or temporary" if the position is retained for a complete four year Presidential term? Why?

Answer. Since I am not in the Administration, I do not have access to the full facts and circumstances concerning this position. If confirmed, I would examine the issue and would consult with my colleagues at the Department of Justice regarding any such questions.

Question. The State Department's legal analysis continued:

> Moreover, even if Mr. Kerry both occupied a continuing position in the State Department, which the Secretary could fill under the ordinary statutory authorities for staffing the Department, and "exercis[ed] significant authority pursuant to the laws of the United States," id., so that he was an "Officer" for Appointments Clause purposes, he would at most be an inferior officer. *See, e.g., Edmond* v. *United States,* 520 U.S. 651 (1997). Therefore, the power vested in the Secretary to make such a personnel appointment in the State Department would satisfy the Appointments Clause."

- Do you agree with this legal assessment? Why?

Answer. Since I am not in the Administration, I have not had access to any legal analysis surrounding this question. It is my understanding that the O.L.C. Opinion upon which this is based is the legal position of this administration, as it has been of prior administrations, and remains in effect. It is also my understanding that the President recently signed into law an NDAA amendment supported by the committee prescribing a specific role for the Senate regarding Special Envoys starting in January 2023.

Question. Do you agree with the assessment that at most Special Envoy Kerry would be considered an inferior officer?

Answer. Since I am not in the Administration, I have not had access to the full factual record or any legal analysis concerning Special Envoy Kerry. I understand that the Administration has concluded that Special Envoy Kerry is acting in a role and in a manner that does not require the advice and consent of the U.S. Senate. If confirmed, I would examine the issue and consult with my colleagues at the Department of Justice regarding any such questions.

Question. Section 5105 of the National Defense Authorization Act provides much needed congressional oversight over the appointment of special envoys.

- Do you commit to advising President Biden that he should submit a nomination for any appointee who will be "exercising significant authority pursuant to the laws of the United States" to the Senate for its advice and consent before the appointee takes office? For the purpose of ensuring compliance with this law, how would you define significant authority?

Answer. I am aware of the provisions in section 5105 of the National Defense Authorization Act for Fiscal Year 2022 (P.L. 117–81). This is new legislation, and since I am not in the Administration, I have not had access to any legal analysis surrounding the question of "significant authority." However, if confirmed, I will work

with others at the Department and in the Administration to ensure implementation of the statute with respect to special envoys and similar positions.

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

Answer. I am aware of the provisions in section 5105 of the National Defense Authorization Act for Fiscal Year 2022 (P.L. 117–81). If confirmed, I will work with others at the Department and in the Administration to ensure implementation of the statute, including all notification requirements.

Question. Section 5105 also provides a limited exception for temporary appointments exercising significant authority, pending notifications to SFRC. Do you commit to adhering to these limits? And do you commit to advising the President to provide substantively robust notifications to Congress and consult with the committee as such temporary appointments are contemplated?

Answer. I am aware of the provisions in section 5105 of the National Defense Authorization Act for Fiscal Year 2022 (P.L. 117–81). If confirmed, I will work with others at the Department and in the Administration to ensure implementation of the statute, including limitations on appointments and notifications consistent with the requirements of the statute.

Question. I confirmed, do you commit to brief my office and this committee in a timely fashion with respect to sanctions policy developments and designations as they occur?

Answer. If confirmed, I commit to working within the Department of State so that you receive such sanctions policy briefings in a timely fashion, which when appropriate would involve input from the Office of the Legal Adviser. As a teacher of U.S. foreign relations law for over 20 years, I have always led my class with the importance of the constitutional role of Congress in foreign relations, including oversight. If confirmed, I would endeavor to make sure that your oversight role is supported by receiving the information you and the committee need from the Office of the Legal Adviser.

Question. On December 27, 2020, President Trump signed into law the Consolidated Appropriations Act, 2021. This legislation includes a provision that I supported which establishes an Office of Sanctions Coordinator within the State Department.

- If confirmed, do you commit to give this new office the attention, support, and resources needed to ensure its success and the fulfillment of its statutory mandate?

Answer. Yes. The Office of Sanctions Coordinator is an important contribution to the effective development and implementation of sanctions policy within the State Department and across the U.S. Government. If confirmed, I will work to ensure that the Office of the Legal Adviser robustly engages with and supports the Office of Sanctions Coordinator in performing its statutory function.

Question. On December 27, 2020, President Trump signed into law the Consolidated Appropriations Act, 2021. This legislation includes a provision that I supported which establishes an Office of Sanctions Coordinator within the State Department.

- If confirmed, do you commit to ensuring that this new office will fulfill its mandate vis-à-vis other offices and bureaus within the State Department to "serve as the coordinator for the development and implementation of sanctions policy" within the State Department?

Answer. Yes. If confirmed, I will ensure that the Office of the Legal Adviser robustly engages with and supports the Office of Sanctions Coordinator in performing its statutory function.

Question. On December 27, 2020, President Trump signed into law the Consolidated Appropriations Act, 2021. This legislation includes a provision that I supported which establishes an Office of Sanctions Coordinator within the State Department.

- If confirmed, do you commit to work with my office and this committee to ensure that this office succeeds and fulfills its statutory mandate?

Answer. Yes. If confirmed, I will ensure that the Office of the Legal Adviser robustly engages with and supports the Office of Sanctions Coordinator in performing its statutory function.

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

Answer. Yes. Congressional engagement and transparency are important components of the Global Magnitsky Act. If confirmed, I commit to helping ensure that Congress receives such determinations in a timely manner consistent with the Act.

Question. What role should L play in genocide determinations?

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

Question. Should the atrocities committed in Burma against the Rohingya and other ethnic and religious minorities be considered a genocide?

Answer. I am appalled by the Burmese military's brutal violence against Rohingya and other ethnic and religious minorities in Burma, and have previously taken the position that I consider such actions against Rohingya to constitute genocide. I understand that, in 2017, then-Secretary of State Tillerson concluded that the atrocities against Rohingya in northern Rakhine State constituted ethnic cleansing. I also understand that in his confirmation hearing, in January 2021, Secretary Blinken committed to reviewing whether these atrocities constitute specific international atrocity crimes, including genocide. Since I am not in the Administration, I am not aware of the current status of that review. If confirmed, I will look forward to supporting Secretary Blinken in that process and advising Department policy offices and the Administration in their ongoing efforts to promote respect for human rights as well as justice and accountability for atrocities in Burma.

Question. Should the atrocities committed in Syria by the brutal Bashir Al-Assad regime be considered genocide?

Answer. I understand that the Secretary of State decides, as a matter of foreign policy, whether the U.S. Government should publicly characterize particular abuses as a specific international atrocity crime, including genocide, based on an analysis of the law, available facts, and policy considerations. I also understand that, in 2019, then-Secretary of State Pompeo determined that the Assad regime is responsible for innumerable atrocities, some of which rise to the level of war crimes and crimes against humanity. I agree with that assessment. If confirmed, I will look forward to supporting the Department's efforts to address atrocities in Syria and to promote accountability for those responsible.

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

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

Answer. I understand that most foreign assistance is provided through a competitive process and that any revocation of a federal award must comply with applicable rules and regulations. Aside from these regulations, I am not aware that foreign non-governmental organizations have a legally-enforceable "right" to U.S. foreign assistance.

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

Answer. Yes, consistent with the Constitution of the United States.

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

Answer. I am not in the Administration and do not have access to all the legal analysis on this issue. However, it is my understanding that the Executive may condition U.S. foreign assistance consistent with all legal requirements, including in the Foreign Assistance Act of 1961 and the annual appropriations act. If confirmed, I look forward to working with Congress on decisions related to conditions on foreign assistance.

Question. You served as an independent expert on a U.N. Human Rights Committee case where the committee found that Ireland had violated the human rights of a woman seeking an abortion and that Ireland should change its laws to ensure access to abortions in certain cases.

- Is access to abortion an internationally-recognized human right?

Answer. This administration is deeply committed to promoting and protecting the rights of women and girls, including in the areas of reproductive health and choice. International human rights law protects access to reproductive health and choice in various ways, such as prohibiting discrimination. However, the United States does not regard access to abortion services as an international human right.

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

Answer. Yes. If confirmed, I commit to providing advice consistent with all provisions of law related to our foreign assistance, including restrictions related to the use of foreign assistance for the performance or promotion of abortion as a method of family planning, coercive abortion and forced sterilization, and lobbying for or against abortion.

Question. Section 1215 of the NDAA FY 2021 restricts funding for the Department of Defense for any activity to reduce force levels below both 4,000 and 2,000, until DOD submits a report to Congress or the President provides a written waiver. During the Afghanistan withdrawal, troop levels again exceeded 4,000 on the ground. Do you believe these restrictions were legally binding during the recent withdrawal? Why? Why has Congress not received either the required report or written waiver as mandated by law?

Answer. As I am not currently in government, I am not familiar with all of the legal analysis or facts surrounding past decisions to provide such reports or waivers. It is my understanding that the Department of Defense (DoD) Office of General Counsel would ordinarily be responsible for the legal advice on this limitation on the use of DoD funding and its associated reporting requirements, in consultation with, inter alia, the Secretary of State. If confirmed, I will look into this issue and will advise the Department of State regarding cooperation with DoD on relevant congressional reporting requirements, including DoD reports that require Secretary of State consultation.

Question. Section 1217 of the NDAA FY 2021 requires the Administration to transmit any agreement or arrangement with the Taliban to Congress within 5 days. The State Department currently has an agreement or an arrangement with the Taliban governing continued evacuations of American citizens and LPRs. Why has the State Department not provided Congress any such agreement or arrangement as required by law?

Answer. As I am not currently in government, I am not familiar with all of the facts or legal analysis surrounding this question. I am aware that the United States and many other countries released a statement dated August 29, 2021 (available at https://www.state.gov/joint-statement-on-afghanistan-evacuation-travel-assurances), acknowledging that the Taliban publicly committed that foreign nationals and any Afghan citizen with travel authorization would be allowed to proceed in a safe and orderly manner to points of departure and travel outside the country. However, I personally am not aware of any specific agreement or arrangement between the State Department and the Taliban governing continued evacuations of American citizens and LPRs. If confirmed, I commit to reviewing this issue and providing legal advice to Department policymakers to ensure compliance with Section 1217 of the NDAA for FY 2021.

Question. Do you commit to providing Congress any agreement or arrangement, and relevant materials, made between the U.S. and the Taliban since August 14?

Answer. I understand that Secretary Blinken has committed to keeping Congress informed of any agreement or arrangement with the Taliban subsequent to the February 29, 2020 U.S.-Taliban Agreement which the Department has identified and is under the purview of the State Department, including providing any materials relevant to such agreement or arrangement, consistent with section 1217(b)(2) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (P.L. 116–283). If confirmed, I would provide legal advice to Department policymakers to ensure compliance with this provision

Question. The Department of Defense has opined that it will rely on the 2001 AUMF for continued counterterrorism operations in Afghanistan. What is the State Department's position on the legal authority for continued counterterrorism operations in Afghanistan?

Answer. I am not currently in government and cannot authoritatively represent the Administration's legal positions. However, as I understand it, the United States has relied on the 2001 AUMF as the domestic law basis for the use of force in Afghanistan against al-Qa'ida, the Taliban, and associated forces, including ISIS-K. As a matter of international law, U.S. operations against al-Qa'ida and ISIS-K targets in Afghanistan to date have been conducted in national self-defense with the consent of Afghanistan. If confirmed, I would advise on the legal basis for any future counterterrorism operations based on the information available to me at the time.

Question. What is L's position on the repeal of the 2001 AUMF as it relates to counterterrorism operations and detention authorities?

Answer. I am not currently in government and cannot authoritatively represent the Administration's legal positions. However, President Biden has committed to working with Congress to ensure that outdated authorizations for the use of military force are replaced with a narrow and specific framework that will ensure that we can continue to protect Americans from terrorist threats. It is my understanding that the Administration's position is that the 2001 AUMF should not be repealed without replacement, and that any new or updated AUMF should include language that avoids undermining the legal basis for ongoing operations that the President and Congress deem necessary to address ongoing threats, and provide for uninterrupted authority to continue those efforts. If confirmed, I look forward to working closely with the committee and Congress on this important issue.

Question. Can you commit to utilizing the deterrence mechanisms in the Caesar Syria Civilian Protection Act, which Congress passed on a bipartisan, bicameral basis as a powerful tool to uphold the Assad regime's isolation, including through additional sanctions?

Answer. As Secretary Blinken has made clear, the United States has not lifted sanctions on Syria. Caesar Act sanctions are an important tool to hold the Syrian regime accountable for the atrocities inflicted on its own people. If confirmed, I will look into this issue and will provide legal advice to ensure that the Department of State, in coordination with the Treasury Department, implements sanctions under the Caesar Act.

Question. Is a waiver under the Caesar Syria Civilian Protection Act necessary to authorize Jordan's Electricity Proposal and Egypt's Gas Proposal with the Syrian regime?

Answer. I am not currently in government and therefore do not have access to all the relevant facts and any legal analysis. I support efforts to resolve Lebanon's energy shortages in a way that is consistent with U.S. sanctions on Syria. I understand that the State Department is in contact with the Governments of Jordan, Egypt, and Lebanon, as well as the World Bank, to gain a more complete understanding of how these arrangements would be structured and financed, and to ensure they are in line with U.S. policy and address any potential sanctions concerns. If confirmed, I will work closely with the Treasury Department and provide legal advice to ensure compliance with all U.S. sanctions programs in Syria.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO SARAH H. CLEVELAND BY SENATOR JEANNE SHAHEEN

Question. The previous administration took several positions that were out of step with the international community, particularly on human rights.

- What steps does the Biden administration need to take to restore a U.S. foreign policy that is rooted in internationally agreed upon human rights norms and laws?

Answer. President Biden has committed to a foreign policy that is centered on the defense of democracy and the protection of human rights. In the last year, the Administration has taken many steps to restore the place of the United States as a leader in human rights, including seeking and winning election to the United Nations Human Rights Council, putting forward U.S. candidates to serve as independent experts on a number of human rights treaty bodies and United Nations forums, and promoting accountability for human rights violations and abuses including through bilateral and multilateral engagement and application of targeted sanctions. If confirmed, I look forward to continuing to support the Administration and the Department in engagement with this Committee, civil society, and the international community, to promote and protect human rights consistent with international law.

Question. Across the globe, the principles and institutions of the international legal system have been under attack in recent years, with the rise of nationalism and authoritarianism.

What do you see as the most important steps the State Department can take to bolster the international system and strengthen international legal norms?

Answer. The administration shares your concern regarding the rise of illiberal and authoritarian states and their efforts to undermine human rights, democracy and the rules-based international order. The most important steps the State Department can take to bolster the international system and strengthen international legal norms are constructive engagement and to lead, in concert with other like-minded states, by the power of example. As Secretary Blinken stated before the United Nations General Assembly last fall, "it makes a difference when the United States shows up, listens, leads.It allows us to strengthen the rules and institutions that have helped defend our values and advance our interests for many years." U.S. engagement with others in the international community, including through bilateral and multilateral work and participation in regional and international organizations, has helped shape and safeguard rules, agreements, and mechanisms that help keep our people safe and healthy, and our businesses competitive while upholding our democratic values. If confirmed, I would support the Administration and the Department in engagement with the international community, in particular through the promotion and protection of international law, and I would look forward to consulting with this Committee on these efforts.

Question. I have long disagreed with the State Department's interpretation of eligibility for the Special Immigrant Visa program as defined in the Afghan Allies Protection Act of 2009. Congressionally written statute says that individuals are eligible for the program if, among other requirements, they were or are employed in Afghanistan "by, or on behalf of, the United States Government." The way that State has interpreted this language over the last two administrations has arbitrarily excluded those who worked for the U.S. as grantees or through certain types of contracts. These individuals spent 20 years on the frontlines of U.S. efforts to engage with the Afghan people, and certainly meet all other criteria for eligibility, including demonstrating an "ongoing serious threat" to their safety. And this group includes more women than under current State-determined eligibility.

- I hope that you will take a close look at this language and how it has been interpreted by the State Department. Do you commit to doing so, and communicating your legal opinion to my office?

Answer. Yes. I have not had access to the full factual record or legal analysis surrounding the Department's interpretation of the statute. But I know that ensuring effective processing of SIV applications for individuals who provided faithful and valuable service to the United States in Afghanistan is a top priority for the Department. If confirmed, I would examine the issue and would be prepared to engage with Congress and your office on ensuring implementation of the Afghan Special Immigrant Visa program.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO SARAH H. CLEVELAND BY SENATOR TODD YOUNG

Question. Do you believe international tax treaties require the approval of two-thirds of the Senate in order to be ratified as outlined by the U.S. Constitution?

Answer. Article II of the Constitution provides that the President may make treaties with the advice and consent of two-thirds of the Senators present. On many occasions, however, Congress has passed statutes authorizing the President to enter into international agreements on behalf of the United States, and the Supreme Court has recognized that such statutes can provide a valid legal basis for the President to enter into international agreements, like the Senate's adoption of resolutions of advice and consent pursuant to the Article II treaty process has done.

Whether Congress would wish to pass a statute authorizing the President to enter into an agreement addressing international taxation would, of course, be for Congress to decide. Historically, bilateral income tax treaties have been approved by the Senate via the Article II treaty process. To the extent that the Senate may prefer that future agreements addressing international taxation be approved via the Article II treaty process rather than via statute, this would be a matter within the Senate's control, as a statute could not pass without the Senate's approval. Tax treaties have long served to advance important economic interests of the United States and have enjoyed strong bipartisan support in the Senate. If confirmed, I would look forward to engaging with this Committee to continue the historic partnership between the executive branch and the Senate with regard to these important agreements.

Question. The United States is currently negotiating an important international agreement on taxes under the OECD/G20 Inclusive Framework on Base Erosion and Profit Shifting. One key element, referred to as Pillar One, will require countries to update international tax rules. It is my understanding that this includes modification of each of the United States' bilateral tax treaties. If that is the case, based on your training and experience as an attorney, do you believe the Pillar One agreement will need to be implemented through the formal treaty process?

Answer. Historically, bilateral income tax treaties have been approved by the Senate via the Article II treaty process. However, Congress could also authorize the President by statute to enter into international agreements regarding taxation. Whether the Senate would wish to do this for the multilateral convention contemplated under Pillar One would be for the Senate to decide.

Even where agreements are approved via the Article II treaty process, however, separate implementing legislation sometimes is required to allow the United States to give effect in its domestic law to the obligations it undertakes in an international agreement. Accordingly, even if an agreement such as the multilateral convention contemplated under Pillar One were approved via the Article II treaty process, enactment of separate implementing legislation could still be necessary before the United States could join the agreement and carry out its obligations thereunder.

If confirmed, I would look forward to engaging with this Committee on issues related to the proposed Pillar One multilateral convention.

Question. Would you agree that an international tax agreement that makes fundamental changes to our international tax system and the global economy are related to the conduct of foreign policy?

Answer. Yes.

Question. If confirmed, how would you advise Treasury and coordinate with the Senate on the OECD agreement and the treaty process?

Answer. I believe the Senate's input will be very important as the Administration considers the ways in which the OECD/G20 Inclusive Framework's two-pillar solution can be implemented expeditiously and effectively, including with respect to the multilateral convention contemplated under Pillar One. If confirmed, I would look forward to engaging with colleagues in Treasury and elsewhere in the Administration and with this committee on these issues.

Question. Does the CCP's treatment of China's Uyghur minority constitute genocide?

Answer. Yes. The administration has recognized that there is an ongoing genocide and crimes against humanity in Xinjiang province against the Uyghur minority and members of other ethnic and religious minority groups. I am also appalled by these actions. I understand that the Department has sought to impose consequences on those responsible for these atrocities, including through the imposition of financial sanctions and visa restrictions, as appropriate. If confirmed, I will support the Department's efforts to promote accountability for those responsible for genocide and crimes against humanity in Xinjiang.

Question. What evidence does it take to determine that the CCP was engaged in genocide in Xinjiang? Do findings by international tribunals or NGOs have any weight in State Department determinations?

Answer. I understand that, in January 2021, then-Secretary of State Pompeo determined that the PRC Government, under the direction and control of the Chinese Communist Party, has committed genocide and crimes against humanity against Uyghurs and members of other ethnic and religious minority groups in Xinjiang, and that Secretary Blinken has stated that he agrees with that determination. As I am not currently in the Department, I cannot speak to what information the Secretary may have taken into account when making these determinations. However, if confirmed, I will look forward to advising the Secretary on these issues. I also look forward to supporting the Department's work to promote accountability for those responsible for genocide and crimes against humanity in Xinjiang, in consultation with this Committee.

Question. If confirmed, how would you advise the Secretary on the standards for making a genocide determination?

Answer. I understand that the Secretary of State decides, as a matter of foreign policy, whether the U.S. Government should publicly characterize particular actions and abuses as a specific international atrocity crime, including genocide, and that such decisions are based on an analysis of the law, available facts, and policy considerations. I also understand that the role of L, in coordination with relevant Department policy offices, including the Office of Global Criminal Justice, is to advise the Secretary in applying the law to the available facts. I also understand that, for the purposes of atrocity determinations, the Department looks to international law, including the definition of genocide in Article II of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, and U.S. domestic law. If confirmed, I will look forward to advising the Secretary on these issues and supporting the Department's efforts to promote accountability for genocide and other atrocity crimes.

Question. What are the legal consequences of making a genocide determination under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide?

Answer. Under Article I of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention), States Parties have an obligation to prevent and punish genocide. The Genocide Convention, among other things, provides in Article VI that persons charged with genocide or any of the other acts punishable under Article III of the Genocide Convention "shall be tried in a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction."

Question. In March 2021, the International Criminal Court launched a one-sided political attack on Israel in the guise of a formal investigation against alleged Israeli war crimes in Gaza and the West Bank. This investigation comes even though Israel is not a party to the ICC and has a robust judicial system capable of investigating and prosecuting any alleged crimes. The ICC has also threatened action against the U.S. for actions in Afghanistan. In your view, what is the proper role of the International Criminal Court?

Answer. I agree with the U.S. Government's longstanding objection to the ICC's attempts to assert jurisdiction over nationals of non-parties, such as the United States and Israel, absent the State's consent or a Security Council referral. As Secretary Blinken has said, U.S. concerns about these cases should be addressed through engagement with all stakeholders in the ICC process. If confirmed, I will work with our partners and allies, together with the Office of Global Criminal Justice, to focus the Court on its core mission of trying alleged perpetrators of genocide, crimes against humanity, and war crimes where the relevant State is truly unable or unwilling to do so.

Question. President Biden has pledged to reopen a consulate in Jerusalem closed by the previous administration. Such a move would come after the United States recognized Jerusalem as Israel's capital. What is your understanding of U.S. obligations related to the opening of diplomatic facilities abroad? Do agree with the Administration's stated position that opening such facilities requires the consent of the host government?

Answer. I understand that the Administration intends to reopen our Consulate General in Jerusalem to strengthen our ability to engage the Palestinian people and execute our assistance programs, public diplomacy outreach, and diplomatic reporting. I also understand that the reopening of the Consulate General in Jerusalem would not affect U.S. policy that the U.S. Embassy remains in Jerusalem, would not

alter the U.S. recognition of Jerusalem as Israel's capital, and would not constitute the recognition of a Palestinian state.

Additionally, I understand that to reopen the Consulate General, the United States would look to Israel to provide privileges and immunities to Consulate General officers and employees as they have in the past, and I would expect the Office of the Legal Adviser to support policymakers in any necessary discussions to that end. If confirmed, I would work to ensure that the Department complies with all applicable congressional consultation and notification requirements related to reopening the Consulate General in Jerusalem.

Question. The Biden administration is continuing to negotiate with Iran in Vienna on a nuclear deal to curb Tehran's nuclear program. The Iran Nuclear Agreement Review Act (INARA) gives Congress the right to review any agreement involving Iran's nuclear program. What is your view regarding INARA? Do you agree that under INARA any nuclear related agreement with Iran must be presented to Congress?

Answer. I understand that INARA requires that any "agreement" with Iran related to Iran's nuclear program be transmitted to Congress for a period of congressional review, and that "agreement" is broadly defined to include non-legally-binding political arrangements. I also understand that the Administration has committed to ensuring that the requirements of INARA are satisfied. If confirmed, I commit to ensuring that policy makers obtain the legal advice they need in order to satisfy the requirements of INARA, including its transmission requirement.

Question. If the Administration reaches an agreement to return to the JCPOA, do you believe that would need to come to Congress under the terms of INARA?

Answer. If confirmed, I am committed to ensuring that the Administration carefully considers the facts and circumstances of any U.S. return to the JCPOA to determine the implications under INARA, and to ensuring that policy makers receive the legal advice they need in order to satisfy the requirements of INARA, including its transmission requirement.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO JAMES C. O'BRIEN BY SENATOR ROBERT MENENDEZ

Sanctions Coordinator Position

Question. Sanctions are one of the few meaningful sticks we have in our foreign policy toolkit, yet State and successive administrations have often had difficulty developing and implementing them in a coordinated manner. The law creating your office gives you three key roles: the lead sanctions diplomat, the lead for State on sanctions in the interagency, and the lead within State in coordinating sanctions policy.

- I'd like to hear how you will approach each of these roles.

Answer. In my testimony to the committee on January 12, I outlined the importance of ensuring that sanctions are part of our national security strategy, support clear policy objectives, and rest upon a solid analysis of alternatives, effects, and support from our partners.

The three roles established in the law should reinforce one another. A senior voice and decision-maker focused on sanctions can affect deliberations in the Department and with other agencies; a point of contact for other agencies and partners should improve feedback about the design and adaptation of sanctions and the strategies of which they are a part; and engagement with partners should provide additional ideas about how U.S. policies are functioning and opportunities to strengthen international cooperation against sanctionable activities.

This is a lot for a newly-reconstituted, still-growing Office to undertake. It will require a clear set of priorities, to be set by the Secretary, and cooperation from senior policymakers across the Administration and Congress. If confirmed I look forward to consulting with the committee on priorities and resources for the office.

Question. Once you are in office, I want to make sure there is a running dialogue between you and your team and me and my staff. Do you commit to that?

Answer. Yes. I would especially appreciate learning what concerns you are hearing about U.S. sanctions, recommendations for information on sanctions, and possible Congressional action related to sanctions.

State-Treasury Relationship

Question. I think there are real questions about whether the executive branch is structured appropriately on sanctions. Everyone seems to agree they are a foreign policy tool, but Treasury is the 900-pound gorilla in this area and regularly gets its way over State. The release of the Treasury sanctions policy review a few months ago is representative: it was a Treasury only report that barely had any input from State and did not address State-administered sanctions or human right sanctions like Global Magnitsky.

- How will you approach the inter-agency process to allow for State and Treasury to have a more balanced relationship on sanctions policy?

Answer. The first conclusions of the Treasury Report were that sanctions must be linked to broader U.S. policy and strong international partnerships. The Treasury report also correctly cited that "Treasury's work on sanctions is conducted in close partnership with other parts of the Executive Branch, in particular the Department of State and the National Security Council, which lead the formulation of the foreign policy and strategic goals that sanctions serve, as well as the Department of Justice." If confirmed, I will vigorously advocate for the State Department's role in shaping and leading U.S. foreign policy and engagement with foreign partners. I expect to build on the close working relationship the State Department has with the Treasury Department and other agencies, as well as our foreign allies and partners, and to engage regularly as well with the National Security Council on any inter-agency disagreements.

Executive Branch Implementation of Mandatory Secondary Sanctions: When it comes to foreign policy in particular, the executive branch seems to take the position that mandatory equals discretionary, and there is often a failure to implement secondary sanctions as Congress intended. This is not just an issue of Congress versus the executive branch—private sector actors tell us that U.S. secondary sanctions are losing their bite because there are so rarely designations.

Question. Do you commit to being a strong advocate for full implementation and enforcement of mandatory sanctions?

Answer. Yes. I am interested in learning about the views of private sector actors mentioned in the question and, if confirmed, will consult with the committee and other colleagues on that question.

Cuba

Question. The Treasury Department's sanctions review report earlier this year underscored the importance of U.S sanctions being tied to a specific policy objective. In the case of Cuba sanctions, Congress has defined in law clear policy goals and benchmarks that need to be met before sanctions are lifted. As you know, I care deeply about U.S. policy towards Cuba and I was concerned about previous efforts to lift U.S. sanctions on Cuba—in violation of the spirit of U.S. law—even while Cuba's intransigent dictatorship refused to take any steps to permit a democratic opening in the country.

- What assurances can you provide that you will follow the letter and spirit of the law when you are coordinating U.S. sanctions on Cuba?

Answer. I understand and appreciate your deep commitment to the human rights of the Cuban people. If confirmed, I will work to advance U.S. policy on Cuba sanctions consistent with all relevant laws. I commit to engage with you on the issues if I am confirmed.

Question. Can I have your personal commitment that you will consult directly with me and my staff prior to any significant changes to U.S. sanctions on Cuba—whether those changes are proposed by you, others in the State Department, or by another part of the U.S. Government?

Answer. Yes. I understand and appreciate your deep commitment to the human rights of the Cuban people. If confirmed, I will engage with the relevant policymakers on Cuba policy in the Administration so that my office can remain informed. I commit to engage directly and routinely with you and your staff.

The Biden administration rightfully designated Cuban Defense Minister Lopez Miera under Global Magnitsky sanction, but it is clear that the challenges posed by the Cuban armed forces are bigger than one general. In addition to military involvement in human rights abuses, I'm concerned about the rise of a new generation of military oligarchs that control vast parts of the Cuban economy. Secretary Blinken made a commitment to me regarding a Magnitsky designation on the Cuban military.

Question. Can I get your commitment that you will make this designation a priority, if you are confirmed?

Answer. If confirmed, I will learn about work on this designation and consult closely with colleagues in the Department. I will consult with your staff and you about the topic. If a designation is warranted, I will advocate for it.

China

Question. I am deeply concerned that China is continuing to buy oil from the Iranians both subverting international sanctions and impacting the oil market. I am disappointed that the U.S. and the rest of the international community do not seem to be holding China accountable for these violations.

- What steps is the United States taking to urge/force China to comply with sanctions related to Iran's oil?

Answer. The United States has designated individuals and entities in response to Iranian sanctions evasion activities, including transactions involving the PRC. If I am confirmed, I will seek to learn what more might be done. I am told that the Administration has also been raising this issue in diplomatic channels with Beijing as part of a dialogue on Iran policy and that Beijing has a strong interest in preventing Iran from developing a nuclear weapon given the profoundly destabilizing impact that would have in a region upon which the PRC depends for its oil imports.

Afghanistan:

Question. What further steps can the United States take to clarify and expand upon existing sanctions authorities on the Taliban and Haqqani Network, while ensuring that humanitarian aid goes directly to the Afghan people? What can we do to ensure that these steps don't result in a complete economic collapse that could cause a mass humanitarian crisis in Afghanistan?

Answer. If I am confirmed, I expect to take a leadership role in striking an appropriate balance between sanctions against listed Taliban members and the Haqqani Network and supporting the continued flow of humanitarian aid. This approach would include evaluating the effectiveness of the steps that have been taken.

The Department of the Treasury's Office of Foreign Assets Control (OFAC) issued six general licenses (GLs) aimed at facilitating economic activity and the flow of assistance to benefit the people of Afghanistan. Among other activities, these actions facilitate the official business of the U.S. Government, the official business of certain international organizations (including the U.N. and World Bank), and NGOs, and those acting on their behalf, providing humanitarian assistance and other critical support in Afghanistan as well as the export to Afghanistan of critical food and medicine.

Burma

Question. The 2021 coup in Burma makes clear—as a number of us here offered in 2014 and 2015, only to be ignored by the Administration—that the way in which the United States dealt away its leverage and potential pressure in Burma was a mistake, undermining the ability of the democracy movement to get the military to relinquish power, and knee-capping efforts for genuine ethnic and national reconciliation, including the subsequent Rohingya genocide.

- How do we regain traction and leverage, what sanctions do you think would be appropriate to reimpose, what new sanctions might be necessary, including targeting MEC and MEHL and MOGE, so that perhaps this time we can get Burma right?

Answer. The United States has been steadfast in its support for the people of Burma since the military coup d'etat on February 1, 2021. Immediately following the coup, President Biden issued an Executive Order 14014, authorizing sanctions in response to the coup. In total, the U.S. Government has sanctioned 58 individuals and 20 entities. These include top military commanders and senior officials of the regime, as well as businesses that generate revenue for the military and its leaders. As I understand them, sanctions against individuals and entities connected to the military regime impose a continuing and direct cost on the military regime, which is responsible for the horrific violence perpetrated against the pro-democracy movement and the people of Burma.

While I am not part of the Administration and the Administration does not preview future sanctions, if the violence and abuses in Burma continue, I anticipate that the Administration will continue to use all available tools to put pressure on the regime to cease the violence, release all those unjustly detained, and restore Burma's path to democracy. The announcement of anti-corruption initiatives may

also provide important tools for addressing the networks that enable corruption, human rights abuses, other sanctionable activity, and sanctions evasion.

In all these aspects, coordinating sanctions with allies and partners is important to make our actions as impactful as possible. Our coordinated response shows that the international community is united against the coup, the horrific violence, and suppression of Burma's democracy. If confirmed, I am committed to continuing close U.S. coordination with likeminded partners, including the UK, Canada, and the EU, who have imposed sanctions on the military regime since the coup.

Venezuela

Question. I have authored every piece of major legislation on Venezuela that Congress has passed; this includes sanctions provisions, as well as policies in support of a negotiated solution to the Venezuelan crisis. While the entire world obviously knows that Maduro has no genuine interest in negotiations, our sanctions very clearly give us leverage to push a process forward. However, I am concerned that some in the Administration would lift some sanctions for nothing in return from Maduro.

- If confirmed, will you ensure that the Administration doesn't cede leverage to forge a negotiated solution without meaningful concessions from the Maduro regime?

Answer. If confirmed, I will work closely with the interagency and foreign partners and allies to advance U.S. foreign policy objectives in Venezuela. My personal experience across several continents is that the prospect of accountability, including through sanctions, can be important leverage for peace negotiations, and I expect to discuss this with responsible officials.

Hong Kong

Question. During the previous administration the United States rolled out a series of sanctions designations related to China's treatment of Hong Kong and Hong Kongers. None of those sanctions appeared to have had any deterrent or shaping effect on Beijing's calculus.

- What are the lessons that you take from that?

Answer. The Department of State remains deeply concerned about the degradation of the autonomy of Hong Kong, and, if confirmed, I will continue the Department's work to employ a variety of policy tools in response to the deteriorating situation. Sanctions are one such tool. As I noted in my testimony, sanctions must be part of a strategy; they themselves cannot be the strategy.

In addition, working with partners and allies is also key to create effective sanctions regimes. If confirmed, I look forward to engaging with our global partners whose cooperation will make sanctions programs more effective. This would again require that the Coordinator's Office work closely with U.S. missions abroad and other officials who engage other governments.

Question. Did we use sanctions in a way that was ineffective? Did we misalign targets? Or are there natural limits to what sanctions can leverage without a broader and more coherent policy framework?

Answer. The Biden administration has made the U.S. and allied approach to China and the relationship with China central to U.S. foreign policy. If confirmed, I look forward to learning more about the role that sanctions can play in that strategy and will consult with the committee accordingly.

On Hong Kong itself, sanctions cannot substitute for a broader policy or achieve broader goals by themselves. If confirmed, I am interested in learning more about how sanctions in this instance can reinforce the China strategy and principles important to the international order here and elsewhere. Hong Kong's traditional role in the international financial system is particularly relevant in the consideration of how sanctions might be relevant and effective, both with regard to Chinese policy and to institutions and individuals seeking to benefit from that policy. If confirmed, I will work closely with my colleagues in the Department and other agencies to consider potential future sanctions that will advance our foreign policy interests regarding the deteriorating situation in Hong Kong.

Ethiopia

Question. The administration has designated four Eritrean entities and two Eritrean individuals under the E.O., but has not designated any Ethiopians, or made designations of actors supplying arms or materiel to parties to the conflict.

- Can we expect to see additional designations related to the Executive Order Imposing Sanctions on Certain Persons with Respect to the Humanitarian and Human Rights Crisis in Ethiopia issued on September 17th?

Answer. If confirmed, I will work with colleagues to continue to use all policy options available to stop the fighting and human rights abuse, get the Ethiopian Government and Tigray People's Liberation Front to the negotiating table, secure the withdrawal of Eritrean forces from Ethiopia, enable access to critical humanitarian assistance, and support an inclusive national dialogue process.

North Korea

Question. "Maximum pressure" on North Korea under the previous administration was neither. And as we stand at the start of 2022 it's clear that the sanctions regime currently in place has been badly broken. The Panel of Experts at the U.N. has been sidelined. There is tension between Washington and Seoul. And North Korea continues to march happily along with their nuclear and ballistic missile programs. Moreover, under successive administrations there seems to have been a disconnect between the bilateral and multilateral sanctions that we impose on North Korea and our diplomatic posture.

- Given the orientation of the new administration towards North Korea how would you recommend revising and refining our sanctions in a way that will actually be effective to compel different behavior from North Korea?

Answer. The United States has a vital interest in deterring the DPRK, limiting the reach of its unlawful and dangerous WMD and ballistic missile programs, and, above all, keeping the American people and America's allies safe. It is important for the international community to send a strong, unified message that the DPRK must halt provocations, abide by its obligations under U.N. Security Council resolutions, and engage in sustained and intensive negotiations with the United States.

United Nations sanctions on the DPRK remain in place, and we will continue to promote their implementation, including through diplomacy at the United Nations and with the DPRK's neighbors. If confirmed, I will work closely with our partners to ensure U.S. sanctions advance our policy goals, including ending the DPRK's unlawful WMD and ballistic missile programs.

Nicaragua

Question. Starting in February 2020, I publicly advocated that U.S. sanctions needed to be aimed towards the single diplomatic goal of forging conditions for democratic elections. Instead, the Trump administration sanctioned at random without any clear strategy. Although Ortega's fraudulent elections are now behind us and numerous opposition candidates are still in jail, it remains clear that Nicaragua needs new democratic elections. Congress passed my RENACER Act in November, which calls for a deeper marriage between our sanctions and diplomatic goals.

- If confirmed, can you commit that you personally will meet with my staff during your first 90 days to discuss how we can best utilize U.S. sanctions to advance our diplomatic goals in Nicaragua?

Answer. Our sanctions strategy has been and continues to be aimed at advancing our foreign policy goals by, among other things, promoting accountability for the Ortega-Murillo regime's actions to undermine democracy, including by preventing free and fair elections, and respect for human rights. If confirmed, I commit to meeting with you and your staff within the first 90-days to discuss the use of U.S. sanctions to advance our diplomatic goals in Nicaragua.

Mali

Question. Following actions in the U.N. Security Council, the Trump administration issued an Executive Order in 2019 with respect to those who undermine peace and security in Mali. Five individuals implicated in armed group activities and/or illicit trafficking were designated in late 2019, concurrent with U.N. designations, but there have been no subsequent design actions despite the fact that there have been two military coups, worsening violence in northern and central Mali, and recent public reports that the current junta plans to delay elections and engage the Wagner Group, a U.S. and EU sanctioned Russian private military company. And there has never been a government official sanctioned, despite ample evidence of malfeasance documented in U.N. Panel of Experts' reports.

- What do you intend to do to ensure that the Mali sanctions program is furthering U.S. foreign policy goals in Mali?

Answer. If confirmed, I will work closely with my colleagues in the Department and other agencies to determine what tools would be helpful and consistent with

the efforts of our ECOWAS and European partners to achieve our policy goals in Mali. I would unfortunately anticipate that further action in the U.N. Security Council would be challenging given Russia's relationship with the Malian authorities.

Question. Also, what more can the Administration do to help counter Russia's malign influence in Mali—and elsewhere in Africa?

Answer. If confirmed, I will work with colleagues in the Department and other agencies to identify opportunities to further counter Russian malign influence through the African continent. The administration has noted that Africa can play a central role in driving global economic growth, especially through the digital and green transitions. As U.S. institutions and businesses look to play important roles across the continent, support for the rule of law and anti-corruption efforts, including through sanctions, will be an important part of U.S. policy, with regard to Russia and other actors.

Democratic Republic of the Congo

Question. The U.S. has levied sanctions against individuals and entities in the Democratic Republic of the Congo based on several different statutes and programs. Among these are recent visa restrictions against wildlife traffickers under section 212(a)(3)(C) of the Immigration and Nationality Act (INA), and corruption-related sanctions under the Global Magnitsky Act.

- With so many different sanctions programs in place to address such a wide range of problems in the DRC, what is your assessment of the overall effectiveness of US sanctions in DRC, and of the relative effectiveness of each program?

Answer. The United States' commitment to promote accountability for corrupt actors and other spoilers of the DRC's democratic processes is clear. If confirmed, I will continue to advocate for the use of all relevant authorities, including both domestic and U.N. sanctions, to support the reform efforts of the DRC Government and target armed groups, human rights abusers, corrupt actors, as well as those that profit from the illicit trade in natural resources, such as wildlife and minerals, at the expense of the Congolese people. Anti-corruption initiatives, such as those announced in December, provide additional tools to address the networks that enable corruption, human rights abuses, sanctions evasion, and other sanctionable activities.

Our sanctions authorities, especially when implemented multilaterally, underscore our continued work with partner nations to designate individuals and entities who threaten peace and security in the DRC. I would also evaluate how best to use the tools available to address the growing threat from ISIS-DRC, also known as the Allied Democratic Forces.

Central African Republic

Question. It is unclear that those sanctioned in the Central African Republic (CAR) have significant holdings in U.S. financial institutions or other foreign banks, own property abroad, or have an interest in obtaining U.S. visas.

- How does this impact the effectiveness of current sanctions on CAR?

Answer. The impact of sanctions goes beyond the direct financial implications of a target's U.S. assets and has the potential to impose significant reputational costs that limit a designee's ability to conduct sanctionable activity and may play a role in political settlements. Anti-corruption initiatives may provide additional tools to address the networks that enable corruption, human rights abuses, sanctions evasion, and other sanctionable activity.

Sanctions in CAR, especially when taken multilaterally, underscore U.S. and global support for the CAR Government's efforts to deter those who stoke violence and threaten peace for the Central African people. The December designation of armed group leader Ali Darassa at the U.N. is one such example, which the CAR Government and civil society welcomed. If confirmed, I will continue to work with partner nations to designate individuals and entities both domestically and at the U.N.

Question. What actions could the U.S. take that would impact those who undermine peace and security in CAR, and what actions will you take if confirmed?

Answer. If confirmed, I will carefully review all diplomatic tools available to respond appropriately to those who undermine peace and security in CAR, including both domestic and U.N. sanctions. Anti-corruption initiatives may provide additional tools to address the networks that enable corruption, human rights abuses, sanctions evasion, and other sanctionable activity.

Sanctions Enforcement in Africa

Question. The U.S. has sanctions regimes for several countries in Africa. Yet robust and effective implementation of sanctions in Africa has been a relatively low priority for policymakers and the agencies responsible for implementing sanctions.

- Do you commit to briefing SFRC staff about your assessment of the barriers to the effective implementation of US sanctions programs for Africa, and your plans to overcome them if confirmed?

Answer. If confirmed, I will continue the work of expanding the impact and efficacy of our sanctions across Africa as part of a larger policy framework to promote accountability among human rights abusers, corrupt actors, and those who threaten peace and stability. I would look forward to working closely with Treasury and Congress in evaluating and improving our sanctions and those of our partners.

I will advocate for sufficient resources and priority to implement and update designations made under these programs if that is a barrier. The administration has made clear that Africa will be an important driver of global economic growth, and access for U.S. and allied institutions and companies will depend on the rule of law and efforts against the networks that enable corruption, human rights abuses, sanctions evasion, and other sanctionable activity.

Question. Do we have enough people dedicated to effectively enforce sanctions designations related to conflicts and human rights abuses in Africa? If not, what steps are you planning to take to change that?

Answer. Promoting accountability among those who stoke violence, abuse human rights, and use public resources private gains is key for ensuring a prosperous and stabile Africa. If confirmed, I will advocate for sufficient resources, in State and to the extent I can at Treasury, and policy focus on Africa sanctions in order to further these goals.

Syria

Question. While I appreciate the sanctions this administration has imposed under long-standing Syria authorities; I am concerned by the lack of any sanctions imposed by this administration under the bipartisan Caesar Act. Failure to do so would be a missed opportunity to hold the Assad regime, and its international enablers like Russia and Iran, accountable for their ongoing human rights violations against the Syrian people.

- If confirmed, what steps will you take to impose mandatory sanctions under the Caesar Act?

Answer. The Caesar Act is a powerful tool in limiting the ability of Assad and others in the Syrian regime to profit from the conflict, including profiting by forcibly taking the property of the Syrian people. If confirmed, I will look at every appropriate sanctions authority to promote accountability for the Assad regime's abuses and will coordinate with the U.S. Department of the Treasury, which implements the Caesar Act, to deploy those sanctions when opportunities are identified.

Question. How can those sanctions, as well as others under other Syrian authorities be better coordinated to ensure that legitimate humanitarian groups doing critical work in Syria are not caught up in de-risking efforts by financial institutions?

Answer. If I am confirmed, I expect that humanitarian issues will be an important topic for the Coordinator's Office. Outreach and dialogue are crucial in any sanctions program, particularly programs like those in Syria, where humanitarian assistance is essential.

I understand that during the previous year, the Administration prioritized making sure that U.S. sanctions were not having an inadvertent negative impact on the flow of humanitarian aid, including in Syria. This included the Department of the Treasury in November amending the Syrian Sanctions Regulations to expand authorizations for NGOs to engage in certain additional humanitarian activities in Syria. If confirmed, I intend to work with humanitarian groups, the financial sector, and our international partners to continue to identify humanitarian needs and do the work required to ensure that appropriate exceptions and authorizations are in place with respect to the care of the Syrian people.

Iran

Question. I am concerned by the Administration's recent decision to grant a specific license to South Korea, allowing for the payment of $63 million in damages to an Iranian company with ties to the Iranian Government, which has shown time and again that it would rather funnel money to terrorist groups and other proxies than help its own people.

- If confirmed, will you commit to ensuring that such repatriated funds cannot be used by the Iranian regime to further its regional aggression against the U.S. and our allies and partners?

Answer. The administration has fundamental problems with Iran's actions across a series of issues, including its support for terrorism, its ballistic missile program, its destabilizing actions throughout the region, and its human rights abuses. If confirmed, I will ensure continued support for a comprehensive approach using a variety of tools, including sanctions, to counter the full range of Iran's destabilizing behavior.

On the funds in question, I am told that the license issued by the Administration permit use of the U.S. financial system to facilitate the payment of an arbitral award to a group of private Iranian investors and does not involve the transfer or draw down of Iranian Government funds. If confirmed, I will be available to consult with you further on this.

Question. What further steps must be taken to prevent such funds from supporting nefarious Iranian activity?

Answer. The administration will continue to use its considerable leverage—including sanctions and joint action with allies and partners—to protect U.S. interests. As part of these efforts, we will continue to maintain and impose sanctions, including on Iranian entities providing support to terror groups and violent militias in the region.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO JAMES C. O'BRIEN BY SENATOR JAMES E. RISCH

The Role of Sanctions Coordinator Within the State Department

Question. One of the chief goals of the position of Sanctions Coordinator is to improve internal Department communication about the goals of our sanctions regimes and most effective use of implementation tools and resources. What is your vision for the role of Sanctions Coordinator within the Department internally?

Answer. While Secretary Blinken ultimately will set priorities, the Coordinator will be the Secretary's "principal adviser" on sanctions issues, including on the numerous sanctions authorities delegated to the Secretary. This role will make the Office a tool for the Secretary to use in setting and conveying the Department's priorities and for resolving disputes among bureaus.

Authorities, of course, are only a starting point, and, if confirmed, I will devote significant effort to developing relationships with policymakers within the Department and interagency. The Sanctions Coordinator will need to provide clear, actionable guidance on sanctions priorities, design, and implementation; effective advocacy in Washington and globally; and constructive options for sanctions programs.

Question. How would you plan to improve communication within the Department about sanctions issues?

Answer. If confirmed, I would work to ensure that sanctions advance broader U.S. policy, taking into account expected impacts, likely responses, steps needed to mitigate collateral consequences, and follow-up needed to ensure ongoing effectiveness. Having and using such a deliberative process will help each Department bureau responsible for a sanctions program or policy initiative understand the broader context in which decisions are sanctions are being made.

Also, the Sanctions Coordinator office should be staffed and organized to be able to effectively engage closely and directly at the working level with relevant bureaus and offices to convey priorities and requirements. If I am confirmed, I would seek to provide assistant secretaries and Department leadership with timely, early guidance, including on likely reactions to sanctions and lessons learned from existing sanctions programs, with the aim of informing decisions both on sanctions and how sanctions have influenced previous policy goals.

Question. How would you deconflict with other offices to prevent duplications of effort?

Answer. The Department has excellent sanctions expertise, including on counterproliferation, counterterrorism, anticorruption, and counter-narcotics. If confirmed, I would seek not to add redundant expertise within the Coordinator's Office but would rather look to provide these existing programs and structures with coordinated policy guidance and expert assistance as needed to ensure that the threat or use of sanctions are part of broader policy goals. I would focus the Coordinator's Of-

fice on providing clear guidance on priorities, goals, and scope early; advocating for timely decisions; and developing best practices so that each program benefits from the lessons of others. The Office's role in exercising authorities delegated to the Secretary, as set out in the statute establishing the office, will be an important tool. Consistent coordination and communication will be core to all the office's work.

Question. How would you plan to improve coordination with the regional bureaus on particular sanctions regimes?

Answer. I anticipate that the Coordinator's Office will have a liaison to each regional bureau, will coordinate with other relevant bureaus, and will seek to ensure that each bureau is able to take advantage of lessons from other sanctions programs and from discussions about sanctions on Capitol Hill and elsewhere. If I am confirmed, I expect to work directly with the relevant assistant secretaries, as directed by the Secretary, so that sanctions guidance can be incorporated into policymaking as early as possible.

Question. How would you plan to work with the Bureau for Economic and Business Affairs specifically?

Answer. If confirmed, I would work closely with the Bureau of Economic and Business Affairs (EB) on sanction issues, including on interagency and multilateral coordination efforts. EB houses much of the Department's expertise in designing and implementing sanctions, and it will be an especially important partner. EB also has a unique role in the Department through its established work engaging with the global business community and in assisting U.S. companies around the world. This will make it a particularly important partner in assessing the effectiveness and effects of sanctions and in ensuring good communications with the private sector.

The Role of Sanctions Coordinator Within the Interagency

Question. If confirmed, you will be responsible for coordinating U.S. sanctions policy across the interagency. How would you aim to improve U.S. interagency communication with regard to sanctions to ensure our sanctions regimes are fully aligned with U.S. foreign policy objectives?

Answer. If confirmed, I would work closely with all relevant U.S. departments and agencies. This will require, first, close coordination across the Department to ensure that all officials deliver a consistent message in all interagency policy bodies. In addition, if I am confirmed, I would work closely with, among others, the National Security Council, Treasury Department, Commerce Department, and the Intelligence Community. The Sanctions Coordinator should provide a focal point for international reactions to sanctions proposals and ensure that these views are understood and considered in the domestic policy-making process.

Question. If confirmed, in particular, how would you plan to work with the Department of the Treasury and its Office of Foreign Assets Control?

Answer. The Department's partnership with the Treasury, and with OFAC in particular, continues to be close. If confirmed, I will seek close working relationships with Treasury officials and those in OFAC. Both Departments play a central role in the development, implementation, and enforcement of sanctions and, in many instances, as Executive Order 13224, rely on the same set of authorities. This shared purpose requires close coordination on priorities, tactics, and designations as sanctions are considered, proposed, announced, and implemented. Effective information sharing also remains a critical component of this process, and, if confirmed, I would work to continue improvements made in this area so that State can appropriately fulfill its role in sanctions implementation.

Question. In the event of a policy conflict between your office and another agency, how would you approach resolving the conflict?

Answer. Disagreements during the policymaking process are expected and healthy, and, if confirmed, I would expect the Coordinator's office to engage directly with relevant agencies and the National Security Council to address any differences of opinion. Such a scenario could require further coordination within the Department or, if a disagreement remains with another agency, I would, as dictated by statute as the "principal advisor to the senior management of the Department and the Secretary" on sanctions, work to ensure that the views of the Coordinator's Office would be reflected in Department preparations for senior interagency policy meetings.

Interactions with Foreign Governments

Question. Another goal of creating this office and elevating this position to the rank of Ambassador was to create a centralized point of contact for foreign govern-

ments to ensure effective communication with allies and partners on sanctions, implementation, and technical cooperation. In your view, what challenges does United States face in its relationships with foreign allies and partners regarding sanctions policy and implementation?

Answer. If confirmed, I anticipate a significant amount of my time will be dedicated to partner engagement. When sanctions are implemented in coordination with our partners, we send a strong message of international resolve to deter or constrain malign activity and hold bad actors to account. They also increase the effectiveness of other efforts, as bad actors are further cut off from global financial and other networks that enable corruption, human rights abuses, and sanctions evasion.

The challenges of engaging with partners are also opportunities for further engagement. From my experience, I know that feedback from partners with different views can inform U.S. sanctions policy; reluctant partners can provide information as well as occasional public support; and capacity constraints in partners can provide opportunities to engage in strengthening domestic systems against corruption, sanctions evasion, and other weaknesses that can threaten U.S. and allied security. In this regard, if confirmed, I look forward to working with relevant stakeholder bureaus to support the Democracies Against Safe Havens initiative, to which the Department committed at President Biden's Summit For Democracy in December 2021. This initiative seeks to increase coordination and expand partners' capacity to establish and implement corruption-related sanctions regimes.

Question. Where does the United States need to improve communication with foreign countries on sanctions?

Answer. The United States maintains close relationships with our foreign allies and partners in the development and implementation of sanctions. This includes various bilateral and multilateral fora such as the U.N. Security Council, the G7 and routine engagements with Canada, the United Kingdom, the EU, Australia and New Zealand. Anti-corruption initiatives, in particular the Democracies Against Safe Havens initiative, provide a new opportunity to build effective coalitions that will make anti-corruption sanctions more effective and that can address sanctions evasion. A key goal of the Sanctions Coordinator, and in fact a large amount of the time I expect to dedicate in this role, will be in talking with and coordinating sanctions with key foreign partners.

Question. The United Kingdom was previously a key partner in navigating the European Union's (EU) financial institutions to effectively implement various sanctions regimes. Now that the United Kingdom is no longer a member of the EU, do you foresee gaps in U.S.-EU cooperation on sanctions? If so, how would you propose to fill those gaps?

Answer. The United States maintains a close relationship with both the United Kingdom and the European Union on sanctions development and implementation. Both relationships, though different in some ways post-Brexit, remain critical to the success of coordinated sanctions efforts. Each relationship will be central to developing measures that attack the networks enabling corruption, human rights abuses, and sanctions evasion. If confirmed, I will continue to advance these critical relationships and expect each of them to occupy core roles in global approaches to sanctions.

Resourcing and Personnel

Question. If confirmed, what kind of structure would you envision for the Office of Sanctions Policy?

Answer. If confirmed, I envision an office with the necessary resources to amplify and support the work of the State Department bureaus and offices. This would likely start with staff assigned as liaison to bureaus directly involved in sanctions and related policymaking.

It would also mean providing expertise and experience to look across sanctions programs so that best practices can be transmitted across the Department. The Consolidated Appropriations Act, 2021, Public Law 116–260, provides the head of the Office of Sanctions Coordination with direct hire authority through December 2022. I understand that this was done to ensure that the office could quickly hire qualified professionals with technical expertise in the use of sanctions authorities and in sanctions implementation. This is an especially important and appreciated tool to successfully stand up this office. If confirmed, I would be happy to consult with you on the status of staffing the office and on my intentions, upon reviewing the existing structure, for hiring and structuring.

Question. If confirmed, what are your plans for the use of this authority?

Answer. If confirmed, I will exercise the direct hire authority to ensure that the office is appropriately staffed and resourced with the expertise needed to carry out the office's mandate in support of the Secretary. It can be especially important in attracting personnel who will have experience that might not be common within the Department, for example, in understanding commercial networks that facilitate corruption, human rights abuses, and sanctions evasion.

Question. Do you commit, if confirmed, to keep this committee updated about the office's use of this authority, and to keep the committee apprised of whether an extension of this authority would serve the needs of the office and the goals of the legislation that created this office?

Answer. Yes, if confirmed, I commit to updating the committee on my use of the authority and whether an extension would serve the needs of the office and the goals of the legislation.

Syria

Question. Can you commit to advocating for robust enforcement of the sanctions tools provided in the Caesar Syria Civilian Protection Act?

Answer. Yes. Our sanctions, including under the Caesar Act, are an important tool to press for accountability from the Assad regime, with respect to its atrocious record of human rights abuses inflicted upon the Syrian people. If confirmed, I will commit to advocating for robust enforcement of the sanctions tools provided in the Caesar Syria Civilian Protection Act.

Question. How can sanctions be used to further U.S. national security objectives in Syria?

Answer. My experience is that individual accountability for those who commit human rights abuses can be an important tool in making and sustaining peace. If confirmed, I expect to engage with colleagues about the role that sanctions can play in advancing U.S. foreign policy in Syria and holding to account those responsible for serious human rights abuses.

Question. What role should sanctions play in ensuring accountability for the crimes committed in Syria, by both Syrians and non-Syrians alike?

Answer. My experience in advising on peace negotiations in Europe, Africa, and Asia is that those responsible for violations of international humanitarian law often are obstacles to peace. Sanctions (and prosecution) can be effective tools to create an environment conducive to peace, and, if confirmed, I look forward to engaging with colleagues on the role that sanctions could play. Sanctions will remain a critical tool to advance U.S. foreign policy in Syria and promote accountability of the Assad regime, those who support the regime, and other armed groups in Syria for their role in serious human rights abuses.

Question. A majority of the sanctions both the Trump and Biden administration have issued against the Assad regime are pursuant to an EO rather than the Caesar Syria Civilian Protection Act. Sanctions Under EO are not consistent with the legal requirements outlined in the Caesar Act. Please provide an explanation for sanctions issued under EO and not pursuant to the law.

Answer. I do not know the rationale, because I was not part of the Trump administration and have not been part of the Biden administration. If confirmed, I commit to exploring this issue and consulting with you further.

Question. Please provide your assessment of the importance of U.S. deterring reconstruction funding in Syria.

Answer. Secretary Blinken has stated that the United States does not support normalization with Syria; does not support reconstruction with Syria until there has been irreversible progress towards a political solution; and will not lift sanctions until there is irreversible progress toward a political solution. If confirmed, I will look further into the issue of foreign government reconstruction efforts in Syria.

Question. In your view, how can sanctions be used to prevent countries from providing reconstruction funds to an unreformed Assad regime?

Answer. Sanctions, including the Caesar Act, can be utilized to deter countries and international investors from providing funding the Assad regime is desperate to receive.

Question. Egypt and Jordan are respectively pursuing energy and electricity agreements with Lebanon that would pass through Syria and provide in-kind support to the Assad regime.

Answer. I have read press reports but do not know the facts of the situation. I am told that addressing the energy crisis in Lebanon is a key priority for the Administration. If confirmed, I will commit to working with the Department, other agencies, and our foreign partners and allies to identify a solution that helps Lebanon in a manner consistent with U.S. sanctions on Syria. I will consult with the committee.

Question. In your view, does this meet the definition of a significant transaction under the Caesar Act? Why or why not?

Answer. If confirmed, I would consult on this question with colleagues including in the Office of Foreign Assets Control. I would be happy to discuss the outcomes of this conversation with you or your staff.

Question. Please elaborate on your thinking regarding the necessity of issuing a waiver to authorize projects that provide in-kind support to the Assad regime.

Answer. While I understand that the Secretary of State has the authority to issue a waiver in certain circumstances, the first step would be consultation between State and Treasury as to whether a waiver is necessary. If confirmed, I will look into this issue with colleagues and consult further with the committee.

Question. How does your opinion on waivers apply to the projects currently being pursued by Egypt and Jordan?

Answer. If confirmed, I would consult on this question with colleagues, including in the Department of the Treasury's Office of Foreign Assets Control. I would be happy to discuss the outcomes of this conversation with you or your staff.

Hamas

Question. The Sanctioning the Use of Defenseless Shields Act of 2018 (P.L. 115–348) mandates sanctions on any member of Hezbollah or Hamas who "knowingly orders, controls, or otherwise directs the use of civilians protected as such by the law of war to shield military objectives from attack." Under the law, the President is required to submit to Congress a list of, and impose financial sanctions on, each foreign person involved in the use of human shields by Hamas or Hezbollah "on or after the date of enactment." Despite widespread reporting on Hamas's use of human shields, as of September 21, 2021, no action has been pursued under this act.

- If confirmed, can you commit to advocating for the imposition of sanctions under The Sanctioning the Use of Defenseless Shields Act of 2018 (P.L. 115–348)?

Answer. If confirmed, I will advocate for the use of appropriate sanctions authorities to counter Hamas' terrorist activity, including the use of human shields. Sanctions are a tool to advance support for humanitarian principles and international law.

Question. Please provide your assessment of Qatar's role with respect to Gaza.

Answer. The administration views Qatar's ongoing economic aid to the Gaza Strip as an important stabilizing mechanism. The administration also views Qatar as a valuable diplomatic mediator between Israel and Hamas. Most recently, Qatar assisted in securing a ceasefire between Israel, Hamas, and other parties in Gaza following a 11-day conflict in May 2021. If confirmed, I will consult with you and the committee on this issue.

Question. To what extent do you see Qatar as a stabilizing influence to Gaza?

Answer. The administration views Qatar's ongoing economic aid to the Gaza Strip as an important stabilizing mechanism. If confirmed, I will consult with you and the committee on this issue.

Nord Stream 2

Question. If confirmed, do you commit that you will routinely and robustly engage with me and committee staff on sanctions relating to the NordStream 2 pipeline?

Answer. Yes.

Question. If confirmed, do you commit that you will timely and robustly respond to member and staff questions on sanctions relating to the NordStream 2 pipeline?

Answer. Yes.

Question. Should there be new authorities to better target human rights abusers?

Answer. The administration currently has numerous sanctions authorities that provide a basis to designate individuals and entities in connection with serious

human rights abuses including the Global Magnitsky sanctions program, various country-specific sanctions authorities, and a variety of Executive Orders.

If confirmed, I would like to see sanctions be part of an effective strategy to ultimately end the human rights abuses that give rise to sanctions. In that context, I look forward to examining the extent to which existing sanctions authorities provide both the leverage and flexibility to help policymakers achieve that goal. I would be happy to discuss what I learn with your staff and you, including whether legislative changes would improve the programs.

Question. How do you plan on working with the newly announced Coordinator on Global Corruption on corruption related sanctions?

Answer. I intend to work closely with the Coordinator on Global Corruption on the use of sanctions and visa restrictions, as part of our broader efforts to combat corruption globally, including both the targets of sanctions and the networks that enable them. As I noted in my testimony and consultations, anti-corruption tools provide additional weapons for effective strategies, with sanctions an important part of the whole. This will require close cooperation not only with the Coordinator on Global Corruption but with colleagues at Treasury, who have their own anti-corruption authorities; with colleagues who know the business environment and economic governance components, especially in the Bureau of Economic and Business Affairs; and with relevant colleagues in regional bureaus and embassies.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO JAMES C. O'BRIEN BY SENATOR TODD YOUNG

Question. Treasury completed its comprehensive review of U.S. sanctions policy in October 2021 outlining the significant growth of programs and recommending steps to modernize sanctions. What key reforms or process changes would you most hope for, based on the findings from the report?

Answer. I have read the publicly released report from Treasury's review of its authorities. The conclusions are reasonable—that sanctions should be part of a strategy, rooted in cooperation, structured to mitigate unintended impacts, and able to be communicated and adapted as necessary—and, if confirmed, I will work to see them implemented in coordination with colleagues at Treasury. The re-establishment of the Coordinator's Office at State is an opportunity to learn how those conclusions apply to State's sanctions authorities, and, if I am confirmed, my role in representing the U.S. Government internationally on sanctions will require that lessons be discussed with our partners. I am especially interested in working with colleagues at Treasury and in other agencies on ways to ensure that the sanctions infrastructure and work force in the U.S. Government can be kept up to date and focused on priority areas.

Question. The report says the Administration will "link sanctions to a clear policy objective." If confirmed, how would you anticipate creating that linkage?

Answer. As the Treasury report outlines, sanctions should have clear objectives and be part of a larger strategy. If confirmed, I hope to ensure that each recommendation for sanctions explains the goal and broader strategy of which the sanctions are a part, that likely reactions are considered and follow-up recommended, and that recommendations for broader policies place sanctions in context. This should already be best practice, and one role of the Coordinator's Office will be to help policymakers assess the relevance of different sanctions programs in different contexts. If confirmed, I will work with Treasury, the team at the Department of State, and the interagency to incorporate rigorous economic analysis, technical expertise, and intelligence to ensure that sanctions are applied to the right set of circumstances.

Question. The report notes that the number of sanctions has increased almost 1,000 percent in the last two decades. Do we have too many sanctions programs?

Answer. Sanctions are increasingly a favored tool of foreign policy makers, both in the Executive and Legislative branches of government. If confirmed, I will work closely with Treasury and other agencies to identify lessons learned from our sanctions programs. It is important that our departments understand which programs work best (for example, achieve goals, can be integrated into other programs, are widely understood and can be adapted as circumstances change).

One outcome of this process should be to help with the selection of sanctions authorities for a particular purpose when more than one sanctions program is avail-

able. This may allow us to determine that some programs should receive more resources while others may remain narrowly focused or come under consideration (after consultations with Congress as appropriate) for discontinuation.

Question. If confirmed, how would you seek to better employ sanctions?

Answer. If confirmed, a large part of my job will be to identify what sanctions can and cannot do in a circumstance, what policies can make sanctions more or less effective, and what follow-up is needed to bring in necessary partners and to keep sanctions programs relevant as circumstances change and the targets of sanctions adapt. The ability of a senior State official to focus on this set of questions should affect the policy process.

Throughout, as I mentioned in my statement, and as is clear from public comments by senior State officials and from the Treasury review of its authorities, some themes will recur: sanctions must be part of a strategy; they themselves cannot be the strategy. Each sanction, however well-justified, should support a clear policy objective and rest upon analysis of alternatives, effects, and support from our partners. This requires that the sanctions' purpose be understood beyond the U.S. Government, that we work with other governments, including at the United Nations, and that we maintain and adapt sanctions regimes as technology changes and the targets of sanctions react.

The process for recommending sanctions is the first place that these topics should be discussed and evaluated. Discussions with partners about how sanctions programs are working also help us understand which sanctions programs merit further investment.

As these topics are addressed consistently and across sanctions programs—something that may be happening—the outlines of effective, consistent sanctions practice should emerge. Part of the Office's job will be to communicate this within the Department, to other agencies, and to our partners as advisable.

The Office of the Sanctions Coordinator cannot do this alone. If confirmed, I would coordinate with colleagues from across the Government, the Department, and especially from our embassies, on the use and evaluation of sanctions.

Question. What is your sense of the risks from alternative cross-border payments systems like China's CIPS or Russia's SPFS that are designed to avoid SWIFT and U.S. financial institutions and evade U.S. sanctions?

Answer. Every sanctions program must evolve as targets find alternatives to routes foreclosed by sanctions. In particular, if confirmed, I am very interested in evaluating how U.S. and international initiatives against corruption and in support of transparency and financial integrity can be brought to bear against sanctions targets and networks that enable corruption, human rights abuses, and sanctions evasion. New payment channels or technologies also will be important for sanctions programs to take into account as will the impact of sanctions in facilitating shifts to such technologies.

With regard to this particular risk, the dollar's role is underpinned by the United States' credible and longstanding commitment to transparency, the rule of law, contractual obligations and rights, deep and liquid financial markets, and sound economic governance. This has been crucial to the stability of the international monetary system. Foreign Central Bank Digital Currencies (CBDCs) by themselves do not now threaten this dominance, though we should continually and carefully monitor their deployment and adoption. Should I be confirmed, I will consult on it with you and the committee.

Question. Do you see digital currencies like China's eCNY as an effort to supplant the U.S. dollar in international transactions?

Answer. I look forward to consulting with you and my colleagues across the Government on this issue if I am confirmed. My understanding is that the dollar's role is underpinned by the United States' credible and longstanding commitment to transparency, the rule of law, contractual obligations and rights, deep and liquid financial markets, and sound economic governance. These attributes are crucial to the stability of the international monetary system. Foreign Central Bank Digital Currencies (CBDCs) by themselves do not threaten the dollar's dominance, though we should continually and carefully monitor deployment and adoption of the PRC's eCNY. Again, should I be confirmed, and should this become a future issue, I will consult on it with you and the committee.

Question. How should sanctions policies adjust to a new world of digital assets and multiple cross-border payment systems?

Answer. Every sanctions program must evolve as targets find alternatives to routes foreclosed by sanctions. In particular, if confirmed, I am very interested in

evaluating how U.S. and international initiatives against corruption and in support of transparency and financial integrity can be brought to bear against sanctions targets and networks that enable corruption, human rights abuses, and sanctions evasion. New payment channels or technologies also will be important for sanctions programs to take into account.

To be effective, sanctions must be calibrated to meet specific foreign policy objectives and adaptable to new and emerging economic and political systems. If confirmed, I will continue to review the use of sanctions as they relate to digital assets and will consult with you and the committee.

Question. You will be the first person to hold the position of sanctions coordinator at the State Department. Can you describe your role as you see it?

Answer. If confirmed, I would follow in the large footprints of Ambassador Dan Fried, and lessons from his time in office—in particular, the importance of continuous communication with senior policymakers within the Department; the centrality of a close relationship with OFAC and Treasury; and the need for the US Government to speak with one voice to our partners and others globally—will shape the work of the Office.

In addition, the statutory authority on which the reconstituted Office will rest will serve as a stable, lasting foundation for the Office so that it can become part of usual U.S. practice on sanctions. Secretary Blinken will set priorities, but the statute makes it clear that, if I am confirmed, I will be the Secretary's "principal adviser" on sanctions issues, including on the numerous sanctions authorities delegated to the Secretary. This role will make the Office a tool for the Secretary to use in setting and conveying the Department's priorities and for resolving disputes on sanctions programs before they reach the Secretary.

Authorities, of course, are only a starting point, and significant effort will be required in establishing relationships within the Department and interagency. To succeed, if confirmed, I will need to provide clear, actionable guidance on sanctions priorities, design, and implementation; effective advocacy in Washington and globally; and constructive options for sanctions programs.

Question. How will you coordinate with the Office of Terrorism and Financial Intelligence at Treasury and OFAC?

Answer. The Department's partnership with the Treasury, and with OFAC in particular, continues to be close. Both Departments play a central role in the development and implementation of sanctions and, in many instances, as with Executive Order 13224, rely on the same underlying set of authorities. This shared purpose requires close coordination on priorities, tactics, and designations as sanctions are considered, proposed, announced, and implemented. Effective information sharing also remains a critical component of this process, and, if confirmed, I would work to continue improvements made in this area so that State can appropriately fulfill its role in sanctions design and implementation.

Question. If confirmed, are you fully committed to carrying out the sanctions laws passed by Congress, even if you, the President, or the Secretary of State may disagree with the views of Congress?

Answer. Yes. If confirmed, I am committed to supporting imposition of sanctions when statutorily mandated and will consult with you and the committee throughout that process.

Question. How would you respond if the President or Secretary of State asked you to turn a blind eye to a particular set of sanctions violations, or violations by a specific company or individual?

Answer. I anticipate situations where there will be disagreements, among partners, within the Administration, and with members of Congress, about whether violations are confirmed, what responses will be appropriate and when, and how sanctions should interact with other parts of U.S. policy. If confirmed, I will commit to ensuring that the law is upheld and that decisions made are widely understood, and I intend to consult closely on such matters with you and the committee.

Question. Will you ensure full transparency and communication with Congress on any new sanctions being considered, or any sanctions lifting or waiver being considered?

Answer. If confirmed, I commit to engage directly and routinely with you and your staff regarding significant changes to U.S. sanctions, including the lifting or waiving of sanctions. I would work closely with my colleagues in Legislative Affairs and with relevant policymakers to see that they also consult with the committee.

Question. The Islamic Republic of Iran continues to be the leading state-sponsor of terror. Foreign Terrorist Organizations backed by Iran continue to wreak havoc across the Middle East. Earlier this year the Iranian-proxy terrorist group Hamas launched thousands of rockets at Israel. Just in the last two weeks we have seen repeated attacks by Iranian proxies on U.S. forces in Iraq and Syria. The U.S. has sanctioned Iran for both nuclear and non-nuclear offences. What are your thoughts on U.S. sanctions against Iran? If confirmed, are you fully committed to enforcing sanctions against Iran as mandated by law?

Answer. Yes, if confirmed, I will be committed to supporting the implementation of sanctions as required under U.S. law. The U.S. Government has wide-ranging sanctions authorities with respect to Iran, and these are a critical tool to impose costs on Iran for its destabilizing behavior. If confirmed, I am committed to using these sanctions authorities, together with the full range of available tools the U.S. Government possesses, in a comprehensive approach to counter the full range of Iran's destabilizing behavior.

Question. Over the last year, we have seen a significant decrease in the number of sanctions and enforcement actions taken by the Administration against Iran and entities violating our Iran sanctions. One can speculate this is part of an effort to encourage the Iranians to return to the 2015 nuclear deal. Yet, it is not the law. The laws as passed by Congress require sanctions to be imposed on entities violating the law. If confirmed, will you strictly enforce sanctions on Iran? What role should negotiations have on whether or not U.S. law is enforced?

Answer. If confirmed, I am committed to supporting the implementation and enforcement of sanctions as required under U.S. law. Because I am not in the Administration, I do not know the rationale for the recent pace of sanctions work, but I will learn this if I am confirmed. The framework of U.S. sanctions remains robust, and there are many aspects of our sanctions architecture that would remain in place in the event of a U.S. return to the JCPOA. The administration will continue to use its considerable leverage—including sanctions that would remain in place, the threat of sanctions re-imposition, and other joint action with our allies and partners—to protect U.S. interests. In the meantime, the Biden administration continues to maintain and impose sanctions, including on Iranian entities providing support to terrorist groups and violent militias in the region.

Question. Do you agree the Iranian Revolutionary Guard Corps is a foreign terrorist organization? Do you foresee any near-term scenario in which sanctions on the IRGC, or the FTO designation on the IRGC, would be lifted or waived?

Answer. I am under no illusion about the nature of the Iranian regime and in particular the threat posed by the Islamic Revolutionary Guard Corps (IRGC). The IRGC has been subject to U.S. sanctions for many years. In addition, the United States designated the IRGC as a Foreign Terrorist Organization (FTO) in April 2019. If confirmed, I will act in accordance with U.S. law to advance our national security interests.

Question. Can you commit that the Administration is not, and will not, lessen sanctions to counter Iran's support for terrorism, as part of either negotiations with Iran or as part of a nuclear agreement with Iran?

Answer. Iran's actions across a wide array of issues are highly problematic—including its support for terrorism, its ballistic missile program, its destabilizing actions throughout the region, and its human rights abuses—and U.S. sanctions programs address each. If confirmed, I will advocate for a comprehensive approach using a variety of tools, including sanctions, to counter the full range of Iran's destabilizing behavior.

Question. If an agreement to return to the JCPOA is achieved, will you commit to not lift any sanctions on Iran until Congress has had the required time to review that agreement, as required by the Iran Nuclear Agreement Review Act (INARA)?

Answer. If confirmed, I will act consistent with all applicable U.S. laws, including INARA.

Question. Under the JCPOA, do you believe the U.S. has the right to sanction entities that engage in illicit activities, even if those entities received sanctions relief under the agreement? For example, should the Central Bank of Iran get a free pass for its financing of terrorism, simply because it received relief under the JCPOA?

Answer. The Biden administration has stated it remains committed to countering Iran's destabilizing activities, including its ballistic missile program and support for terrorist groups and violent proxies in the region. If confirmed, I will support contin-

ued sanctions on Iranian entities for sanctionable activity, including those supporting terrorist activity, and would work with our allies to hold Iran accountable.

Question. Do you agree human rights sanctions on Iran should be fully enforced regardless of any nuclear negotiations?

Answer. Yes. If confirmed, I will ensure continued support for a comprehensive approach using a variety of tools, including sanctions, to counter the full range of Iran's destabilizing behavior, which includes its human rights violations and abuses.

Question. As part of the recently passed National Defense Authorization Act, Congress required the Administration to provide this committee an unclassified report detailing the impacts any revocation of unilateral United States economic sanctions on Iran may have on the military capabilities of the IRGC and Iran's terrorist proxies. President Biden said upon signing the bill, that he would not provide such a report. If confirmed, do you agree to provide any reports legally mandated by Congress?

Answer. I commit, if confirmed, to working with Congress to provide it the information it needs to perform its acknowledged oversight function, without regard to the form that takes, and I am happy to review this issue and work with you on a way forward.

Question. Do you believe an administration can simply ignore a legal mandate to issue a report required by Congress?

Answer. If confirmed, I will be committed to consulting with and providing information to Congress. On the specific question, I am happy to review this issue and consult with you on a way forward.

Question. China has long been one of the biggest violators of U.S. sanctions on Iran, particularly through purchases of Iranian oil. Yet, we have seen practically no sanctions by the Administration on these purchases. If confirmed, how would you go about seeking better cooperation from China on sanction matters?

Answer. The United States has designated individuals and entities in response to Iranian sanctions evasion activities, including transactions involving the PRC. If confirmed, I would explore this topic further. I am told that the Administration has also been raising this issue directly in diplomatic channels with Beijing as part of a dialogue on Iran policy. I am also told that Beijing has expressed a strong interest in preventing Iran from developing a nuclear weapon given the profoundly destabilizing impact that would have in a region upon which the PRC depends for its oil imports.

Question. Do you agree that any significant transaction involving Iran's energy sector, including the import of oil or petroleum products would violate U.S. sanctions?

Answer. Our current Iran-related sanctions authorities remain in effect unless they are lifted. This includes sanctions that apply to certain transactions involving, among others, Iran's energy sector.

Question. There are significant human rights concerns emanating from Burma following the coup there last year. Many believe that China is helping to support the military junta in power. Do you support exploring the application of sanctions on China for their support for the military junta in Burma?

Answer. The United States has been steadfast in its support for the people of Burma since the military coup d'etat on February 1, 2021. The U.S. Government has repeatedly announced new designations to specifically target current or former members of the military who played a leading role in the overthrow of Burma's democratically elected government and the violent crackdown against the people of Burma. In total, the U.S. Government has sanctioned 58 individuals and 20 entities. These include top military commanders and senior officials of the regime, as well as businesses that generate revenue for the military and its leaders. If confirmed, I will work with all relevant policymakers in the Administration to target those responsible for the assault on Burma's democracy and the revenue streams that fund the military regime and that facilitate the purchase of arms used to commit brutal violence against the people of Burma.

Question. If confirmed, are you fully committed to the enforcement of sanctions targeting Hezbollah, including sanctions under the Hezbollah International Financial Prevention Act?

Answer. Yes. If confirmed, I will support the continued implementation and enforcement of sanctions against Hizballah and the continuing targeting of individuals and entities that support Hizballah. Most recently, on January 18, the United

States designated three Hizballah-linked financial facilitators and their Lebanon-based travel company, under Executive Order (E.O.) 13224.

Question. Do you support the long-held policy of the United States that there is no such thing as a terrorist and a political wing of the terrorist group?

Answer. Yes. I support the United States' position that it does not distinguish between the so-called "wings" of terrorist organizations.

Question. If confirmed, will you make it a priority to urge countries that only sanction Hezbollah's terrorist wing, to end this false distinction and sanction the terror group in its entirety?

Answer. Yes, if confirmed, I will support ongoing efforts to urge countries to take action against the entirety of Hizballah. Since 2019, such efforts have resulted in 15 additional countries announcing a total designation, ban, or other restrictions against the group. Most recently, the Australian Government announced its intent to expand its designation of Hizballah's "military wing" to encompass the entire organization.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO GEORGE J. TSUNIS BY SENATOR ROBERT MENENDEZ

Question. How can the 3+1 format continue to expand its cooperation in other areas beyond energy?

Answer. If confirmed, one of my top priorities would be to encourage future areas of cooperation between U.S. partners, such as the 3+1 which brings the Republic of Cyprus, Greece, Israel plus the United States together on an array of issues including economics, counterterrorism, and climate in addition to energy issues. I would also welcome future interparliamentary engagement of the 3+1 as provided for in the U.S.-Greece Defense and Interparliamentary Act.

Question. Do you commit to advocating that the 3+1 is reinvigorated and becomes a central aspect of U.S. diplomacy in the Eastern Med?

Answer. Yes, if confirmed, I would support robust ties between the United States and Greece, Israel, and the Republic of Cyprus. The 3+1 presents a unique opportunity to deepen economic integration, cooperate on energy security, and combat climate change with our partners. I believe the United States should—and does—support regional efforts that enhance and promote cooperation and regional stability, including the 3+1 mechanism. If confirmed, I will work to deepen ties between the United States, Greece, the Republic of Cyprus, and Israel.

Question. Where do you see the potential for additional advancement on energy security?

Answer. As I see it, Greece is a strong proponent of energy diversification and security, and has made significant advancements in recent years, including through its focus on projects such as the Trans-Adriatic Pipeline (TAP), the Interconnector Greece-Bulgaria, the North Macedonia-Greece Interconnector, and the Alexandroupoli Floating Storage Regasification Unit (FSRU). If confirmed, I would work with Greece to mitigate regional energy security vulnerabilities. Supporting these efforts as well as Greece's clean energy initiatives, which offer complementary energy security benefits, is key to providing other options for Greece—and the broader region—beyond Russian energy supplies.

Question. What role do you see for Greece in countering Kremlin aggression, and how do you plan to support the Greek Government to stand strong against Kremlin influence?

Answer. Greece shares a long history with Russia, including through the Orthodox Church, and, like other countries in the region, depends on Russian energy supplies. From what I have seen, Athens is clear-eyed in its initiatives to reduce the region's dependence on Russian energy supplies and its stance with the EU and NATO to promote Transatlantic solidarity and the sovereignty and territorial integrity of all states. If confirmed, I would continue to encourage and expand Greece's initiatives in this regard and build on initiatives such as the Mutual Defense Cooperation Agreement and the annual U.S.-Greece Strategic Dialogue to deepen our strategic partnership.

Question. The strength of the U.S.-Greece relationship is on display when it comes to defense cooperation. The recent renewal of the Mutual Defense Cooperation

Agreement and increased U.S. presence at the Port of Alexandroupoli is a great sign of the strength of U.S.-Greece security cooperation.

- What will your priorities be for building upon this strong cooperation?

Answer. My understanding is the latest update to the Mutual Defense Cooperation Agreement permits the U.S. military to utilize Camp Giannoulis (Alexandroupoli) as well as Camp Georgoulas (Volos), Litochoro Range, and Souda Naval Base. If confirmed, I would seek to deepen our defense cooperation and ensure that any new commitments advance U.S. national security priorities. I would also support efforts to boost Greece's defense capabilities as outlined in the U.S.-Greece Defense and Interparliamentary Partnership Act passed as part of the National Defense Authorization Act of 2022.

Question. I am very concerned about directed energy attacks on U.S. Government personnel (so-called Anomalous Health Incidents). Ensuring the safety and security of our personnel abroad falls largely on individual Chiefs of Mission and the response of officers at post. It is imperative that any individual who reports a suspected incident be responded to promptly, equitably, and compassionately.

- Do you agree these incidents must be taken seriously, and pose a threat to the health of U.S. personnel?

Answer. Yes, I agree these incidents should be taken seriously. This is a sensitive ongoing issue that Secretary Blinken has said is a top priority. If confirmed, I will work to ensure affected employees and their family members get the care they need and work together with Washington and the interagency to protect against these incidents.

Question. If confirmed, do you commit to ensuring that any reported incident is treated seriously and reported quickly through the appropriate channels, and that any affected individuals receive prompt access to medical care?

Answer. If confirmed, I will consider it my primary responsibility to ensure the safety and security of the Embassy community. I will ensure anyone who reports unexplained health incidents receives immediate and appropriate attention and care and will share information with our workforce as appropriate.

Question. Do you commit to meeting with medical staff and the RSO at post to discuss any past reported incidents and ensure that all protocols are being followed?

Answer. Yes, if confirmed, my primary responsibility would be to ensure the safety and security of the Embassy community. I would meet with all relevant parties to ensure we were applying necessary safeguards and investigating possible causes.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO GEORGE J. TSUNIS BY SENATOR JAMES E. RISCH

Question. How will you engage with the Greek Government to ensure its Exclusive Economic Zone (EEZ) and drilling rights are protected in the Eastern Mediterranean?

Answer. I understand that the United States has a long-held policy of encouraging countries to resolve their maritime delimitation disputes peacefully through dialogue and in accordance with international law. Greek PM Mitsotakis has consistently expressed his willingness to engage constructively with Turkey to do so, consistent with Greece's constructive approach across the region. If confirmed, I would encourage Greece to continue initiatives such as exploratory talks with Turkey to resolve disputes diplomatically.

Question. How will you engage with your counterpart at U.S. Embassy Ankara to facilitate progress in Greco-Turkish relations in United States interests?

Answer. If confirmed, I would make it a priority to remain frequently and directly in touch with Ambassador Flake in Turkey. I would welcome the opportunity to visit Mission Ankara early in my tenure and invite Ambassador Flake to Mission Greece to exchange best practices and discuss areas of opportunity. I would also encourage frequent communication among the teams at Mission Greece, Mission Turkey, and the Office of Southern European Affairs at the State Department, which coordinates regional policies.

Question. How will you facilitate U.S. and other western investment in Greece?

Answer. If confirmed, my top economic and commercial goal would be to build on efforts to accelerate trade and investment opportunities between our countries. Spe-

cifically, the renewable energy and technology sectors are two areas that the Government of Greece is prioritizing, and several U.S. companies have made significant investments in Greece in recent years. If confirmed, I would seek to continue this trend by encouraging the expansion of the Foreign Commercial Service's activity in Greece.

Question. What are the perceived risks to western investment, and how can they be mitigated?

Answer. Like most countries, Greece is still recovering from the COVID–19 pandemic, which had a significant impact on the country's economy. Yet, from what I understand, the Government's focus on reducing bureaucracy and digitizing services helped mitigate the full impact of the pandemic, and Greece's GDP grew by approximately 6 percent in 2021. If confirmed, I would work closely with Greece to continue to promote fiscal responsibility and facilitate investments. Greece could also benefit from a comprehensive, national security-focused investment screening process, ensuring the Government of Greece has the ability to identify, investigate, and mitigate national security risks.

Question. What role, if any, do you see the U.S. Development Finance Corporation playing in stimulating western investment in Greece?

Answer. The U.S. International Development Finance Corporation (DFC) could help invest in Greece's strategic infrastructure to level the playing field with our strategic competitors. If confirmed, I will seek to promote U.S. investment in Greece using tools made available by the European Energy Security and Diversification Act, including DFC products.

Question. What sectors do you see as potential areas of growth for U.S.-Greece business ties?

Answer. My understanding is that Greece is prioritizing its technology and renewable energy sectors. In recent years we've seen investment in Greece from several U.S. companies including Amazon Web Services, Applied Materials, Cisco, Digital Realty, Google, Microsoft, and Pfizer. If confirmed, I would seek to expand U.S.-Greece business ties in these sectors while encouraging Greece to consider U.S. business solutions in areas such as battery storage, offshore wind, and hydrogen.

Question. As Ambassador, how will you engage with the Government of Greece and encourage protect critical industries, assets, and technologies from malign Chinese influence?

Answer. I understand Greece continues to welcome foreign direct investment, including from the PRC, to mitigate the impact of the pandemic and recover from the decade long financial crisis. However, Greece has shown a willingness to weigh important national security and strategic considerations for critical infrastructure projects, for example effectively excluding Huawei from building its 5G infrastructure. Greece does not currently maintain a comprehensive national investment screening mechanism. If confirmed, I would support continued robust engagement sharing investment screening best practices and implementation. I would also seek to promote U.S. investment in the region to push back on problematic PRC investments in critical infrastructure and sensitive sectors, and on PRC disinformation campaigns designed to undermine the sovereignty of Greece's Government and voters.

Question. The Port of Alexandroupolis is undergoing privatization sale and has attracted bids from Chinese and Russian companies, which presents issues for U.S. and NATO use of the port. What tools do the U.S. and you as Ambassador have to preserve the ports strategic value by ensuring it does not fall victim to foreign influence?

Answer. The Port of Alexandroupoli is significant not only for commercial purposes, but also because it offers strategic access for U.S. and NATO maneuverability in the region. If confirmed, I would seek to employ the tools made available by the European Energy Security and Diversification Act, including the DFC, to bolster bids made by U.S. companies on critical infrastructure projects. I would also direct Mission Greece to maintain frequent contact with U.S. businesses seeking to invest in Greece's critical infrastructure, encourage competition by U.S. firms for strategic assets that Greece is privatizing, and support their bids through diplomacy and advocacy as appropriate.

Question. What do you believe Greece's role is in improving stability and good governance in the Balkans?

Answer. I see Greece as a driver of stability in the Western Balkans, where it has supported regional integration and conflict resolution. An example of this is the Prespa Agreement, in which North Macedonia changed its name and Greece agreed to support the country's NATO accession. Now Greece is actively championing the future EU accession of North Macedonia and Albania. I understand that although Prime Minister Mitsotakis opposed the Prespa Agreement while in the opposition, his government now supports Prespa as a means of promoting regional stability. If confirmed, I would support Greece's continued commitment to Prespa and look for ways to leverage the country's regional leadership in the areas of trade facilitation, counterterrorism, building security partnerships, and in strengthening EU and NATO integration.

Question. What internal and external risks does Greece face regarding its own stability?

Answer. My view is that Greece has made considerable progress in mitigating internal and external risks since the Government debt crisis of 2009 and with the Prespa Agreement of 2018. Greece is a stable, responsible, and decidedly pro-U.S. regional leader, and I believe this trend will continue into the foreseeable future as Greece's three main political parties all support a strong relationship with the United States and embrace Greek leadership in the region. While Greece is situated in a dynamic region of often significant sensitivities and tensions, Greece has previously shown restraint and a desire to resolve disputes diplomatically. If confirmed, I would continue to encourage Greece to consult closely with the United States on both internal and external areas of concern where we could cooperate.

Question. If confirmed as Ambassador to Greece, how do you see your role in the context of ongoing State Department efforts to promote stability and anti-corruption in the region?

Answer. Greece was an active participant in President Biden's Summit for Democracy in 2021, where it made commitments to update its National Authority on Transparency and whistleblower protections and improve its financial transaction transparency. Additionally, Prime Minister Mitsotakis' drive to reduce bureaucratic red tape and digitize government services is, in part, meant to increase transparency and further combat corruption. If confirmed, I would support Greece's ongoing reforms and encourage it to make good on the commitments in made at the Summit for Democracy. Greece also supports the EU prospects of its Western Balkan neighbors, and we can work together with the Greek authorities and the EU to implement the anti-corruption measures required for EU accession by these countries.

Question. What are the most effective ways Greece can further its defense cooperation, both with the U.S. and within NATO?

Answer. Our defense and security relationship with Greece has grown dramatically over the past five years, and Greece views the United States as its top security partner. My understanding is the latest update to the Mutual Defense Cooperation Agreement added four additional sites for the U.S. military to utilize in Greece: Camp Georgoulas (Volos); the Litochoro Range (near Mount Olympos); Camp Giannoulis (Alexandroupoli); and the Souda Naval Base. Greece can continue to further its defense cooperation with the United States and NATO by implementing the latest updates to the MDCA and continuing to meet defense modernization investment goals in accordance with the Wales Pledge. If confirmed, I would continue to deepen our defense cooperation and advance U.S. national security.

Question. Do you believe that the United States is focusing too much energy on building the defense relationship with Greece rather than enhancing the capabilities of other NATO allies in the Eastern Mediterranean and Black Sea regions?

Answer. Greece is a vital NATO Ally that plays a critical role in maintaining peace and stability in the Eastern Mediterranean, the Western Balkans, and the Black Sea regions, and it should be incorporated into regional strategies focused on those areas. Given our military presence at Naval Support Activity Souda Bay in Crete, our military's frequent use of the port of Alexandroupoli for transport, and the opportunities of our expanded MDCA, we must continue to strengthen defense ties with Greece. Souda Bay is one of the few deep-water ports in the region suitable for U.S. aircraft carriers which could project power in the Eastern Mediterranean and Black Sea regions. Furthermore, Greece is increasingly becoming a hub for multilateral training and exercises with NATO Allies in the Eastern Mediterranean and Black Sea as well as regional partners. Thus, building our defense with relationship with Greece results in positive impacts well beyond its borders. If confirmed, I

would seek to deepen defense cooperation with Greece and further integrate it into regional strategies.

Question. In the State Department's 2021 Trafficking in Person's report, Greece remained on Tier 2. What are concrete steps you and your mission, if confirmed, can take to improve trafficking efforts in Greece as well as regionally?

Answer. Confronting the challenge of trafficking in persons is a moral absolute for me. My understanding is that Greece has made improvements in convicting traffickers and identifying trafficking victims over the last year, partly due to the implementation of the national referral mechanism. However, the Government should continue to decrease the length of court proceedings, strengthen specialized services to trafficking victims, and increase efforts to proactively identify victims among vulnerable populations, including unaccompanied children, migrants, and asylum seekers. If confirmed, I would work closely with the Government to address these issues.

Question. How will you work with the office to Monitor and Combat Trafficking in Persons to further this goal?

Answer. My understanding is that Embassy Athens maintains close contact with the Office to Monitor and Combat Trafficking in Persons and the Bureau for Population, Refugees, and Migration. If confirmed, I would direct the Embassy to continue close coordination with both offices and work on ways to improve Greece's ability to identify victims of trafficking and provide them with the necessary resources to prosecute traffickers and prevent the scourge of human trafficking.

Question. In the State Department's 2020 Human Rights Report, Greece was described as having significant human rights abuses like refoulement of refugees, acts of corruption, violence against minority groups, and more.

- What is your assessment of human rights in Greece?

Answer. My understanding is that Greece takes respect for human rights very seriously, which is demonstrated by the Government's willingness to prosecute human rights violators, particularly those who previously served in official capacities. Still, I'm aware of reports suggesting the sometimes unhealthy and unsafe conditions for migrants, credible reports of migrant pushbacks, as well as reports of societal discrimination against minority religious groups and LGBTQI+ persons. If confirmed, I would work closely with the Government to address these issues.

Question. If confirmed, what steps can you and your mission take to better improve the U.S. and international organization responses to migrant and asylum-seeking populations in country?

Answer. My understanding is the United States provided nearly $5 million to the International Organization for Migration (IOM), the U.N. High Commissioner for Refugees (UNHCR), and UNICEF in Greece to protect the vulnerable refugee and asylum-seeking population from COVID–19, including ambulances that provided supplies and care, and several shelters for unaccompanied minors. This aid makes an important statement about U.S. priorities and has directly assisted migrant and asylum-seeker populations. If confirmed, I would ensure any assistance is wisely spent and continue to consult closely with appropriate offices in the Department and with international organizations to identify additional priority areas where Embassy Athens could assist.

Question. How will you engage with the Government of Greece on the numerous reports of refoulement?

Answer. This is a serious issue for me. While the Government of Greece displayed political courage in welcoming over 800 Afghans, including several prominent women and their families, I am concerned by credible reports of pushbacks of asylum-seekers made by UNHCR, IOM, international media, and numerous other organizations. If confirmed, I would continue to work within the Department and with the Greek Government and NGOs to promote the safety, integration, and resettlement of migrants in Greece. I also support the EU's call for an independent investigation into the credible allegations of pushbacks.

Question. If confirmed, how can you work with civil society to bolster human rights in country?

Answer. My understanding is that Embassy Athens maintains close contact with several NGOs, civil society leaders, and journalists to shed light on human rights conditions within Greece. Most recently, Mission Greece's hard work and broad network facilitated Greece's decision to temporarily welcome over 800 Afghans brought into the country by an NGO. Embassy Athens has also worked to secure grants for NGOs doing important work, such as sheltering unaccompanied minors in the coun-

try. If confirmed, I would encourage my team to think creatively about how we can empower civil society to help address human rights concerns in Greece.

Question. In the State Department's 2020 International Religious Freedom report, there were noted antisemitic and anti-Muslim acts along with rhetoric and attacks on Orthodox churches in Greece.

- What is your assessment of the status of societal and governmental respect for religious freedom?

Answer. Freedom of religion is an important principle for me. The Hellenic constitution allows freedom of worship, and the Government affords special protections for the Muslim minority, which consists of over 120,000 Greek citizens of Turkish, Pomak, and Roma descent who live in the Thrace region of northern Greece. In 2020, Greece authorized the first government-funded mosque in Athens in over 200 years, as well as six Jehovah's Witness Kingdom Halls, and other religious minority houses of prayer. If confirmed, I would support Greece's measures to uphold religious freedom and protect minority religious groups from hate crimes and discrimination.

Question. If confirmed, what steps can the U.S. mission take to bolster religious freedom on the ground?

Answer. Mission Greece maintains direct contact with various groups such as the Muslim minority in the north, refugees who have settled throughout the country, and Greece's small Jewish community. If confirmed, I would ensure that we continue this outreach and maintain close contact with civil society organizations, including religious actors; international organizations; and NGOs involved in Greece.

Question. Ongoing tensions between Greek and Turkish Cypriots are preventing any tangible progress from being made on the UNFICYP issue. If confirmed, do you commit to providing necessary support to the Greek Cypriots and to de-escalate tensions where possible?

Answer. The United States supports efforts to increase bicommunal cooperation between Greek Cypriots and Turkish Cypriots, including through the UNFICYP Technical Committees. If confirmed, I will continue to engage Greece, as a guarantor power, and express U.S. support for a Cypriot-led, U.N.-facilitated comprehensive settlement to reunify the island as a bizonal, bicommunal federation with political equality to benefit all Cypriots and the wider region. I will work with my colleagues in Nicosia and Ankara to encourage both sides to demonstrate the necessary openness, flexibility, and compromise to find common ground to restart formal talks.

Question. Would you support downsizing of the UNFICYP and the eventual closing of the peacekeeping part of the mission?

Answer. I believe UNFICYP continues to play an important role in maintaining the conditions necessary for the Greek Cypriot and Turkish Cypriot communities to find a common ground to restart formal talks. UNFICYP's work supervising ceasefire lines, maintaining a buffer zone, and supporting the Secretary-General's Good Offices remains an important stabilizing factor in Cyprus.

Question. The Office of Multilateral Strategy and Personnel (MSP) in the State Department's bureau of International Organizations is leading a whole-of-government effort to identify, recruit, and install qualified, independent personnel at the U.N., including in elections for specialized bodies like the International Telecommunication Union (ITU). There is an American candidate, Doreen Bodgan-Martin, who if elected would be the first American and first woman to lead the ITU. She is in a tough race that will require early, consistent engagement across capitals and within the U.N. member states. If confirmed, do you commit to demarch the Greek Government and any other counterparts necessary to communicate our support of Doreen?

Answer. Yes. Secretary Blinken publicly endorsed Ms. Doreen Bogdan-Martin's candidacy to lead the ITU in March 2021. If confirmed, I would work closely with the Bureau of International Organizations to voice support for Ms. Bogdan-Martin's candidacy, as well as the candidacies of other Americans endorsed by the Department to fill critical positions at the U.N. and its specialized bodies.

Question. What is your understanding of morale throughout Mission Athens?

Answer. My understanding is that like missions around the world, Mission Greece was significantly impacted by the COVID–19 pandemic, which forced employees to work from different locations and limit in-person interactions with key interlocutors. That, in addition to an ongoing renovation of the Embassy's chancery, has made life more challenging for Embassy Athens. I also understand that the Embassy team re-

mains highly motivated under the great leadership of Ambassador Pyatt, advancing U.S. interests as we deepen our relationship with Greece. If confirmed, it would be my goal to build on the high morale at Mission Greece and continue to advance U.S. interests through ever deepening improved bilateral relations.

Question. How do you intend to improve morale at Mission Athens?

Answer. If confirmed, I would empower my team, including the Deputy Chief of Mission, State Department and interagency colleagues, and locally employed staff, to share their views on new and meaningful ways to further the bilateral relationship. Furthermore, I understand the pandemic and ongoing renovations have made work more difficult for the Mission, so I would do everything in my power and consistent with local health regulations to facilitate in-person functions, progress the Chancery's overhaul, and advance the day-to-day business of U.S. diplomacy.

Question. How do you intend to create a unified mission and vision at Mission Athens?

Answer. My view is that to create a unified mission and vision, first you need a unified team. If confirmed, I would welcome input from all spectrums of the Mission community to ensure an inclusive environment where all voices are heard. Since Mission Greece is comprised of both Embassy Athens and Consulate General Thessaloniki, I would also encourage frequent and meaningful coordination between both teams to ensure unity of effort in achieving overall objectives as outlined in the Integrated Country Strategy.

Question. How would you describe your management style?

Answer. As a businessman, I understand the importance of building rapport and working with everyone in a professional and cooperative manner. As a hotelier, I understand the importance of making people feel welcome and comfortable. My management style is one of inclusivity and draws on the broad experiences and expertise of the teams that I lead. If confirmed, I commit to empowering my teams so that, together, we can conceive and implement the most effective ways of advancing U.S. policy priorities.

Question. Do you believe it is ever acceptable or constructive to berate subordinates, either in public or private?

Answer. No. If confirmed, I would treat all subordinates, Mission community members, and local contacts with the utmost respect. I believe in honesty and providing constructive feedback to subordinates in a courteous and professional manner, and I would endeavor to never publicly or privately berate a subordinate.

Question. How do you envision your leadership relationship with your Deputy Chief of Mission?

Answer. If confirmed, I understand that I would be working with a Deputy Chief of Mission who has been on the job in Athens for over two years. I prize expertise and inclusivity and would actively seek counsel from my Deputy Chief of Mission as appropriate, particularly on issues related to State Department processes and procedures.

Question. If confirmed, what leadership responsibilities do you intend to entrust to your Deputy Chief of Mission?

Answer. My view is that the Deputy Chief of Mission's role is to provide counsel, manage the day-to-day operation of a mission, including personnel issues, and assume the role of the Ambassador when necessary. If confirmed, I would delegate critical responsibilities to my Deputy Chief of Mission while I focus my efforts on the overarching U.S. policy priorities and maintaining the safety and wellbeing of mission personnel.

Question. Do you believe that it is important to provide employees with accurate, constructive feedback on their performances in order to encourage improvement and reward those who most succeeded in their roles?

Answer. Yes, I believe that accurate and constructive feedback is important in any position to facilitate improvement and growth. My understanding is the Department has annual review cycles in place, and if confirmed, I would ensure that evaluations were completed in a fair and transparent manner.

Question. If confirmed, would you support and encourage clear, accurate, and direct feedback to employees in order to improve performance and reward high achievers?

Answer. Yes, if confirmed, I would support clear, accurate, and direct feedback to employees so as to improve performance, identify areas for growth, and reward team

and individual accomplishments. I believe the Department manages several awards programs as well, which I would utilize to highlight the achievements of my team.

Question. In your opinion, do U.S. diplomats get outside of our Embassy walls enough to accomplish fully their missions?

Answer. My understanding is that diplomats want to get outside Embassy walls and prefer advancing U.S. priorities in-person, if possible. The global COVID–19 pandemic has made it harder for them to meet in person, but I understand the team in Greece did a remarkable job of innovating new approaches and pivoting to virtual spaces. Despite the pandemic, for example, our Public Diplomacy team was able to safely deliver a yearlong series of programming to commemorate U.S.-Greek friendship during Greece's bicentennial year in 2021 which included virtual and in-person programs throughout the country. If confirmed, I would encourage my team to continue to seek to engage with contacts in-person, or through whatever means they felt were most effective, in accordance with local health regulations and security conditions. I would work closely with medical staff and the Regional Security Officer at Post to ensure the safety of my team.

Question. How do you intend to improve the ability of U.S. diplomats to better access all local populations?

Answer. If confirmed, I would encourage Mission Greece to continue its broad outreach efforts not only with government contacts, but with NGOs, civil society, and vulnerable populations in the country. To the extent possible, I would also advocate for increasing the resources made available to the public diplomacy team for additional outreach activities. For example, Mission Greece has vast potential to engage in the areas of education and with Greek youth. The Greek Ministry of Education is seeking to expand partnerships with U.S. universities to implement joint- and dual-degree programs, as well as exchange programs. Mission Greece has six "American Spaces" in the country which provide an incredible platform for engagement with youth, particularly to promote STEM and entrepreneurship training across several regions of the country.

Question. What is the public diplomacy environment like in the Greece?

Answer. Greece benefits from a dynamic media environment and a public that is eager to engage with the United States. If confirmed, I would work closely with Mission Greece's Public Diplomacy Section to shape the media narrative about our deepening bilateral relationship and important regional developments. I would also work closely with the Public Diplomacy Section to support new avenues for engagement in education, women's empowerment, countering climate change, and others to promote the full range of our policy priorities and to deepen our people-to-people ties.

Question. What public diplomacy challenges do U.S. diplomats face there?

Answer. The global pandemic has presented unique challenges for public diplomacy efforts by postponing critical exchange programs and converting in-person events to virtual engagements. More specifically, my understanding is that Greece provides a receptive and engaging media environment, but that there are significant generational differences in media preferences. If confirmed, I will work closely with the Public Diplomacy Section to identify even more effective and non-traditional ways to engage with the country's youth on policy issues.

Question. How do you balance the importance of Main State versus the in-country mission when it comes to tailoring public diplomacy messages for foreign audiences?

Answer. My view on this is that the country mission is best placed to have a pulse on media environments and national audiences, while Main State offers a broader, more coherent perspective in harmony with other Department and national priorities. You need both perspectives to achieve effective public diplomacy messaging, and if confirmed I would work with the Mission Greece team and the Bureau for Eurasian and European Affairs to find the right balance.

Question. "Anomalous health incidents", commonly referred to as "Havana Syndrome", have been debilitating and sidelining U.S. diplomats around the world for years. They have caused serious, negative consequences for U.S. diplomacy, yet many believe that the Department is not doing enough to care for, protect, and communicate to its personnel. If confirmed, do you commit to taking this threat seriously?

Answer. Yes, these incidents are the subject of a sensitive ongoing investigation and remain a top priority for the Department. If confirmed, I will communicate with our workforce to provide care for affected employees and their family members and

work together with partners in Washington and the interagency to do what we can to protect against these incidents and, of course, to find the cause of what has been afflicting these members of our Embassy teams.

Question. If confirmed, do you commit to talking as openly as you can to Mission Athens personnel?

Answer. Yes, if confirmed, I will do my utmost to speak openly about this issue and ensure anyone who reports unexplained health incidents receives immediate and appropriate care. I will also consider it my primary responsibility to ensure the safety and security of the Embassy community.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO GEORGE J. TSUNIS BY SENATOR JOHN BARRASSO

Question. How would you respond to requests for a U.S. commitment to assist Greece in the event of an invasion or similar act of aggression by Turkey?

Answer. If confirmed, my overall objective would be to support regional peace and stability, including between our two NATO Allies. The United States has been clear with Turkey that certain military maneuvers in the past have been unhelpful and provocative. If confirmed, I would work with the State Department and U.S. Government in tandem with my counterpart, Ambassador Flake, to defuse any crisis diplomatically.

Question. What were the new commitments made in the enhanced U.S.-Greece Mutual Defense Cooperation Agreement?

Answer. My understanding is the latest update to the Mutual Defense Cooperation Agreement extended the agreement term to five years, with an indefinite duration thereafter, stabilizing our defense cooperation with Greece, and bringing the agreement up to standard with those we have with other NATO Allies. The update also added four additional sites for the U.S. military to utilize in Greece: Camp Georgoulas (Volos); Litochoro Range; Camp Giannoulis (Alexandroupoli); and Souda Naval Base. If confirmed, I would seek to deepen our defense cooperation and ensure that any new commitments advance U.S. national security.

Question. Do you support the Eastern Mediterranean gas pipeline?

Answer. My understanding is, in line with U.S. climate priorities, the United States looks critically at new fossil fuel infrastructure projects to ensure U.S. public investment and support is not directed to carbon intensive sources and does not result in future stranded assets as we accelerate the clean energy transition. The East Mediterranean Gas Pipeline would constitute significant and expensive new fossil fuel infrastructure at a time when we and our partners are focused on investing in renewables and clean energy sources. At a time when Europe's energy security is--more than ever--a question of national security, if confirmed I would commit to deepen U.S. regional relationships, promote clean energy technologies and projects such as the proposed EuroAfrica and EuroAsia interconnectors, and counter climate change.

Question. How does the pipeline help reduce Europe's dependence on Russian gas?

Answer. I view Greece as a top U.S. partner in Europe on energy security and diversification. The Trans-Adriatic Pipeline, Interconnector Greece-Bulgaria, Interconnector Greece-North Macedonia, and the Alexandroupoli FSRU are examples of projects that will position Greece and Europe to reduce their dependence on Russian gas and break Gazprom's monopoly over the region. If confirmed, I would continue to work with Greece to identify projects that both advance our energy security goals and facilitate the transition to cleaner forms of energy. The administration remains committed to physically interconnecting East Med energy to Europe.

Question. In your view, what role does the Eastern Mediterranean gas pipeline play in promoting energy security and regional cooperation?

Answer. The Eastern Mediterranean Gas Pipeline is still at the conceptual level, technically challenging and commercially very expensive. Greece is, however, involved in a number of other commercially and technically viable natural gas projects that support energy security and regional cooperation such as the Interconnector Greece-Bulgaria, the North Macedonia-Greece Interconnector, the Trans-Adriatic Pipeline, and the Alexandroupoli Floating Storage Regasification Unit. If confirmed,

I would continue to work with Greece to identify projects that advance our goals of energy security and diversification.

Question. If confirmed, what steps would you take to support the Eastern Mediterranean pipeline and the establishment of liquefied natural gas terminals across the Easter Mediterranean?

Answer. While I applaud Greece' ambitious decarbonization goals to phase out lignite by 2028, the reality is Greece will continue to utilize LNG as it transitions to renewable energy. If confirmed, I would support Greece's efforts to advance energy security and decarbonization and seek other initiatives that advance the goals outlined in the European Energy Security and Diversification Act of 2019, such as the proposed EuroAfrica and EuroAsia interconnectors. Understanding that the East Mediterranean Gas Pipeline would constitute significant and expensive new fossil fuel infrastructure at a time when we and our partners are focused on investing in renewables and clean energy sources, if confirmed, I would commit to deepen U.S. regional relationships, promote clean energy technologies, and counter climate change.

Question. What is your strategy to encourage additional natural gas development and infrastructure in the region?

Answer. If confirmed, I would make supporting U.S. investment in Greece's critical infrastructure a top priority, working with interagency partners, including the U.S. International Development Finance Corporation (DFC) and Congress, to identify projects for U.S. investment. I would strongly support U.S. commercial engagement in Greece. I agree wholeheartedly with Congress' intent in passing the European Energy Security and Diversification Act of 2019 and would continue to search for other strategic opportunities.

Question. What are some of the current challenges facing American energy companies currently operating or looking to operate in the Eastern Mediterranean?

Answer. I understand political and security tensions in the Eastern Mediterranean present challenges for U.S. energy companies currently operating or looking to operate there. The United States supports efforts to de-escalate tensions in the Eastern Mediterranean, including the continuation of exploratory talks between Greece and Turkey. I believe disagreements should be resolved peacefully through dialogue and in accordance with international law.

Question. If confirmed, how would you address those challenges in order assist American companies pursuing natural gas and oil operations?

Answer. As I understand it, the United States supports regional cooperation to bring durable energy security to the region, create new markets, drive energy innovation, and provide economic prosperity in the Eastern Mediterranean. If confirmed, I would encourage peaceful and diplomatic resolutions, which respect the sovereignty and territorial integrity of all countries. I would also work closely with U.S. companies to ensure they can compete for these projects, across all aspects of the energy sector, including the fastest growing technologies and markets.

Question. What is your strategy to counter Chinese investments in critical infrastructure investments in Greece?

Answer. I understand Greece continues to take steps to increase foreign direct investment, including from the PRC, to mitigate the impact of the pandemic and recover from the decade long financial crisis. However, Greece has shown a willingness to weigh national security and strategic considerations for certain critical infrastructure projects, for example effectively excluding Huawei from building its 5G infrastructure. Greece has taken an important step in approving a process expected to result in an investment screening mechanism in line with the EU investment screening framework. If confirmed, I would encourage Greece to adopt a national investment screening mechanism and continue efforts to share investment screening best practices, including from the U.S. experience with recent legislation implementation. As a businessperson, I know how to work with a team to formulate a winning economic bid, and if confirmed, that's exactly what I would do by vigorously promoting U.S. investment in the region and pushing back against problematic PRC disinformation and influence campaigns.

Question. In what ways do you believe the United States has not shown up or been aggressive? What is your strategy to change it?

Answer. The PRC is aggressive and strategic in acquiring strategic infrastructure, and I am cognizant of the fact that we need to play to win when we are competing with Beijing for strategic investment. Since 2016, China's state-owned shipbuilding

company, COSCO, has owned and operated the port of Piraeus, now the second busiest port by volume in Europe. This year Greece will privatize the ports of Alexandroupoli and Kavala, and it is critical that Greece selects a western partner to acquire them. If confirmed, I will seek to promote U.S. investment in the region, and employ the tools made available by the European Energy Security and Diversification Act, to ensure the United States is seen as a keenly interested and reliable business partner. The DFC, for example, has shown great promise to help level the playing field with our strategic competitors on projects that meet its criteria.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO BETH VAN SCHAACK BY SENATOR ROBERT MENENDEZ

Israel

Question. Last year, the Prosecutor of the ICC confirmed the opening of a formal investigation into the Palestinian situation, which I believe was a politically-motivated decision to target Israel and wrongfully extends the Court's jurisdiction over personnel of a non-State Party.

- Will you commit to pushing back against the International Criminal Court's wrongful pursuit of a war crimes investigation against the State of Israel?

Answer. Yes. I agree with the serious concerns of the U.S. Government about the ICC's attempts to exercise jurisdiction over Israeli personnel. If confirmed, I will uphold the United States' strong commitment to Israel and its security, including by opposing actions that seek to target Israel unfairly.

Question. How will you work to promote reform within the Court to help ensure that it properly carries out investigations and respects the rights of non-State Parties?

Answer. As the Court approaches its twentieth anniversary, I am encouraged that States Parties, civil society, and other stakeholders have identified and committed to a broad range of reforms to help the Court fulfill its core mandate as a court of last resort, including through prioritizing resources, focusing on the most serious crimes of international concern, and continuing to develop the fundamental importance of the principle of complementarity. If confirmed, I commit to engaging with all ICC stakeholders, including some of our closest allies who are States Parties, to address our concerns and promote further reform.

Additional Tools and Mechanisms for Global Criminal Justice

Question. The ICC represents only one piece of the larger global criminal justice landscape. There are a range of international, regional, and domestic tribunals as well as international investigative mechanisms seeking to provide accountability for victims of mass atrocity crimes.

- How can the United States strengthen international mechanisms for accountability to enhance their ability to prevent mass atrocities?

Answer. There is a whole range of forms of assistance that the United States can provide to international mechanisms to enhance their ability to prevent, and respond to, mass atrocities. In addition to financial and programmatic assistance, this can include diplomatic support in international fora (to strengthen mandates and build multilateral support for these efforts), operational assistance in the field (e.g., identifying perpetrators, offering witness protection, or providing security), and technical support (e.g., providing evidentiary, forensic, and legal analysis). Helping such institutions better understand the context in which they are operating by, for example, sharing information, improves their ability to craft and implement effective responses. The United States can also enhance the environment in which these institutions are operating by constraining perpetrators through, among other things, sanctions and import/export restrictions, where available. The United States can also help with the rehabilitation of survivors through supporting psychosocial rehabilitation and other restorative measures.

Question. In your view, what tools and mechanisms have been most effective in promoting accountability?

Answer. The international community has developed a number of institutions and models for addressing the commission of grave international crimes. This includes international and hybrid criminal tribunals and specialized international crimes chambers. In addition, many states-including the United States-have empowered their domestic courts to prosecute international crimes under their national penal

codes. Hybrid institutions (i.e., tribunals with mixed international and domestic elements such as the nationality of key staff and the law to be applied) have proven particularly effective because they combine local legitimacy and knowledge with international expertise, skill, and resources.

Alongside these criminal accountability options, states emerging from periods of mass violence, repression, or conflict can also choose from a range of transitional justice mechanisms that advance the interlocking goals of truth-telling, reparation/rehabilitation, memorialization, vetting, and institutional reform. The Office of Global Criminal Justice advises State Department leadership, embassies and posts, the inter-agency, and other stakeholders on developing and deploying of these various options for ensuring retributive and restorative justice.

No accountability mechanism can be effective without solid documentation, including contextual and linkage evidence connecting individual perpetrators to the commission of international crimes. Consistent U.S. support for documentation (for both fact-finding and building criminal cases) and financial support to institutions, judicial and non-judicial, has been vital for achieving the accountability that has occurred in many courts and tribunals.

There also are actions that promote accountability for contemporary atrocity situations that go beyond these traditional tools. For example, when it comes to the genocide and crimes against humanity unfolding in Xinjiang, in addition to financial sanctions and visa restrictions, I understand that the United States Government has tightened export controls respecting entities implicated in human rights abuses in Xinjiang; issued Withhold Release Orders and a Business Advisory regarding heightened risks to U.S. businesses with links to Xinjiang given the existence of forced labor; and formally listed products that are believed to have been produced by forced labor. In addition, to these economic measures, the United States undertakes rigorous Leahy vetting to ensure that applicable U.S. assistance is not provided to security force units that are credibly implicated in gross violations of human rights. All this suggests that a "whole-of-government" approach, especially when done in concert with our allies and partners, is more effective.

Syria

Question. As I am sure you know, a German court recently found a former Syrian intelligence officer guilty of crimes against humanity and sentenced him to life in prison for his role in the Assad regime's industrial-scale torture and murder of its own citizens. As the first ever trial and guilty verdict against a high-ranking Syrian regime official for crimes against humanity, this is an important landmark for ensuring accountability for the Assad regime's barbarism, especially since the ICC does not have jurisdiction over Syria and efforts to take action through the form of a U.N. Security Council resolution face pushback from China and Russia.

- If confirmed, how do you plan on ensuring accountability for crimes in Syria?

Answer. I share Congress' horror at the scale, scope, and brutality of the Assad regime's atrocities. In my professional and academic career, I have devoted considerable energy to pursuing justice for Syria. If confirmed, I will strongly support U.S. efforts to promote accountability for these atrocities. My work in this area includes completing a Ph.D. on "Imagining Justice for Syria" that tracks international, regional, and domestic justice options (OUP 2020). Unfortunately, very few avenues for justice currently exist for the myriad international crimes that have been, and are being, committed in Syria. In the absence of any international, regional, or hybrid court with criminal jurisdiction over perpetrators, domestic proceedings-like those in Germany-are vital engines of accountability. In addition to holding individual perpetrators accountable, these judgments can offer all victims a sense of justice, develop important jurisprudence, find facts and reveal the truth about atrocities, deter other perpetrators, and inspire judicial efforts elsewhere.

Domestic investigations and prosecutions are being assisted by the work of grassroots documentation organizations as well as international institutions, such as the U.N. Commission of Inquiry on Syria, created by the U.N. Human Rights Council, and a new international investigative mechanism established by the U.N. General Assembly: the U.N. International, Impartial, and Independent Mechanism (IIIM). The United States has supported, diplomatically and financially, the creation and operation of such documentation processes. If confirmed, I will work to ensure that the United States continues its crucial support of the IIIM's mission to collect, consolidate, preserve, and analyze evidence of violations of international humanitarian law and human rights violations and abuses committed in Syria since 2011 for future accountability and transitional justice processes. This work is critical to facilitating criminal justice mechanisms and paving the way for a durable political solution that addresses the aspirations for justice of the Syrian people. I also believe

that GCJ has a particularly important role to play in supporting documentation and accountability efforts by Syrian human rights defenders and their international partners, many of whose efforts feed directly into the IIIM and its work.

Question. What actions will you take to support continued efforts, such as the trial in Koblenz, to bring about justice for victims of state oppression in Syria?

Answer. The road ahead for justice and accountability in Syria remains long, but I am encouraged by the progress made in this area over the last year, notably in Germany where, in January the first senior Syrian regime officer was convicted of crimes against humanity and in 2021 a lower-ranked officer was also found guilty for being an accessory to commit crimes against humanity. I welcome the January 13 Koblenz court verdict as a crucial victory for victims of the Assad regime's decade-long conflict against its own people.

I also welcome efforts by other national courts to investigate and prosecute crimes within their jurisdiction committed in Syria. If confirmed, I will look for ways to continue supporting Syrian human rights defenders and their international partners that document evidence of the Assad regime's atrocities and support key witnesses involved in the process. The evidence collected by these stakeholders, and shared with national law enforcement and judicial authorities, has been highly valuable to such accountability efforts.

Finally, there is the possibility of a case before the International Court of Justice (ICJ) against Syria under the Convention Against Torture. This treaty provides for the possibility of the ICJ exercising jurisdiction over disputes between state parties to the treaty, which cannot be settled through negotiation, and that are over the interpretation or application of the Convention, including claims of state responsibility. The Netherlands and Canada have indicated that they consider Syria to be in breach of its treaty obligations, including the obligations not to commit torture and to investigate allegations of torture. If confirmed, I would follow this matter closely to determine whether there might be ways for the United States to support our allies in this groundbreaking suit.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO BETH VAN SCHAACK BY SENATOR JAMES E. RISCH

Question. If confirmed, what are your biggest priorities in the first 100 days of your Ambassadorship?

Answer. If confirmed, I would "hit the ground running" during the first 100 days in office when it comes to executing upon the critical mandate of the Office of Global Criminal Justice (GCJ). I envision the first days in office being devoted to getting myself up-to-speed on the current workings of the office as well as the Executive Branch's atrocities prevention and response architecture and operations, particularly with respect to the Early Warning Task Force and related efforts. This would require me to acquaint myself with GCJ's staff and their respective portfolios, as well as the work of other offices across the Government, all with an eye toward understanding the scope of GCJ's expertise (and any gaps in coverage), building relationships across government, and identifying the most pressing areas of concern. Second, I would get immediately briefed on the status of existing atrocities determination processes as well as any upcoming key dates and deadlines, especially regarding Congressional reporting and the War Crimes Rewards Program. Third, I would scan the globe with my regional colleagues to map at-risk situations and better understand what U.S. and multilateral responses are already in train. Fourth, I would review all ongoing justice efforts around the world with the goal of identifying ways to enhance U.S. support for these endeavors. Finally, and to the degree permitted in light of the pandemic, I would hope to begin diplomatic outreach to atrocities prevention and response initiatives around the world, as well as my counterparts within the Governments of U.S. friends and allies devoted to this work.

Question. What role should GCJ play in the interagency process on Atrocity Prevention, including as a participant in the Atrocity Prevention Task Force?

Answer. I believe atrocity prevention requires a whole-of-government approach, as Congress has recognized in enacting the Global Fragility Act of 2019 and Elie Wiesel Genocide and Atrocities Prevention Act of 2018. If confirmed, I will work closely with Department and inter-agency colleagues through the Task Force, and with Congress, to anticipate, prevent, mitigate, and respond to atrocities in line with those legislative priorities.

As I understand it, GCJ's primary role is to respond to atrocities as they unfold, advance justice for victims, support efforts to hold those responsible for atrocities accountable, and work to prevent recurrence by promoting robust and effective transitional justice mechanisms. This transitional justice work is an essential component of atrocity prevention. It contributes to reconciliation and greater stability, builds trust in institutions, breaks cycles of vengeance and retaliation, and demonstrates that atrocities are not acceptable. I also understand that J/GCJ plays a critical role in Department atrocity prevention training efforts, ensuring Department personnel and other government stakeholders understand how transitional justice mechanisms contribute to the full spectrum of atrocity prevention activities.

Question. Do you support the United States becoming a party to the Rome Statue of the International Criminal Court?

Answer. The United States has a long history of leadership in supporting criminal accountability for atrocity crimes through international, national, and hybrid tribunals. We have much to be proud of and our leadership is essential to confronting atrocities being carried out around the world. If confirmed as the Ambassador-at-Large for War Crimes Issues, a position filled under all administrations since the mid-1990s, I would be honored to carry forward that legacy. Although not a State Party to the Rome Statute, the United States has an important role to play with regards to the Court, as a global leader in promoting accountability for atrocities, as a permanent member of the U.N. Security Council, and as an Observer State to the ICC's Assembly of States Parties. The United States can be supportive of these efforts without becoming a member of the Court.

Question. Under what circumstances should the U.S. cooperate with the ICC?

Answer. There are situations in which it advances our national interest and our values to cooperate with or support the activities of the ICC-as recognized in legislation including the Dodd Amendment to the American Servicemembers Protection Act and legislation regarding the War Crimes Rewards Program. Like other international tribunals, the International Criminal Court can provide an important forum for accountability when national systems are unwilling or unable to do so, provided proper jurisdiction is established. The United States has recognized, for example, that the ICC's investigations in Libya, in Sudan, and across Central Africa further U.S. national interests. The United States facilitated the voluntary surrender and transfer to the ICC of Bosco Ntaganda and Lord's Resistance Army commander Dominic Ongwen—both later convicted of war crimes and crimes against humanity. Ongwen and Ntaganda were designated under the War Crimes Rewards Program, managed by the Office of Global Criminal Justice. These rewards were possible because of bipartisan legislation passed by Congress in 2013. I believe cooperation is appropriate where consistent with U.S. law and where the work of the Court aligns with U.S. foreign policy priorities, national security objectives, and core values.

Question. Do you believe that the ICC should be investigating alleged actions of U.S. service members and officials in Afghanistan? If yes, please explain.

Answer. The U.S. Government has a longstanding objection to the ICC's attempts to assert jurisdiction over nationals of non-States Parties, such as the United States, absent the consent of the State or a U.N. Security Council referral. If confirmed, I will support and maintain that objection. I am deeply concerned about the current human rights situation in Afghanistan, including allegations of atrocities carried out by ISIS-K and the Taliban, and welcome efforts to ensure accountability for such atrocities. The ICC Prosecutor's September announcement that he will prioritize investigations into alleged violations by ISIS-K and the Taliban, and deprioritize other aspects of the investigation, such as allegations against U.S. personnel, reflects the gravity of the current situation.

Question. Do you believe that the ICC has jurisdiction to investigate or bring to trial United States service members, officials, or other United States citizens? If yes, please explain.

Answer. As I noted in my testimony and above, the International Criminal Court should remain focused on those situations where the state in question has consented to jurisdiction or the Security Council has referred a situation to the Court, consistent with the U.S. Government's longstanding objection to the ICC's attempts to assert jurisdiction over nationals of non-parties, such as the United States.

Question. Do you believe that the ICC should be investigating a case involving alleged Israeli actions in the Palestinian territories? If yes, please explain.

Answer. I share the serious concerns of the United States Government about the ICC's attempts to exercise its jurisdiction over Israeli personnel. Israel is not a Party to the Rome Statute and has not consented to the ICC's jurisdiction.

Question. Do you believe that the ICC has jurisdiction to investigate or bring to trial Israeli service members, officials, or other Israeli citizens? If yes, please explain.

Answer. Israel is not a Party to the Rome Statute and has not consented to the ICC's jurisdiction. My understanding is that, while the Palestinians purported to join the Rome Statute in 2015, the United States does not believe that the Palestinians qualify as a sovereign state and therefore are not qualified to obtain membership as a state in, participate as a state in, or delegate jurisdiction to the ICC.

Question. Do you believe the ICC's reputation has been diminished by recent attempts to prosecute United States and Israeli nationals? If no, please explain.

Answer. If confirmed, I will work to uphold our strong commitment to Israel and its security, including by opposing actions that seek to target Israel unfairly. I will also continue to advance the U.S. Government's longstanding objection to the ICC's attempts to assert jurisdiction over non-parties, such as the United States and Israel. As Secretary Blinken has stated, our concerns with respect to such situations are best addressed through engagement with all stakeholders in the ICC process. If confirmed, I will lead that engagement.

Question. Do you believe that an ICC prosecution of United States services members and public servants would deny those U.S. citizens fundamental due process protections to which all Americans are guaranteed under the U.S. Constitution, such as a right to trial by jury? If no, please explain.

Answer. The ICC should not prosecute nationals of non-states parties such as the United States. If confirmed, I will maintain and support the United States' longstanding position in this regard.

Question. Do you believe the United States has an obligation to protect U.S. citizens who have served or are currently serving in Afghanistan against criminal prosecution by the ICC? If yes and if confirmed, what specific actions would you take to ensure that U.S. service members, officials, and citizens are not subject to ICC prosecutions? If no, please explain.

Answer. The ICC Prosecutor has indicated his intention to prioritize the ongoing violations by the Taliban and ISIS-K in his investigation into the Afghanistan situation, which appropriately reflects the gravity of the situation and the acute threats faced by civilians there. That said, the United States should defend U.S. personnel who served, or are serving, in Afghanistan against any potential criminal charges by the ICC.

Question. What additional international avenues exist to pursue justice and accountability for victims of atrocities outside of the ICC?

Answer. Since Nuremberg, the United States has supported various international and domestic transitional justice mechanisms in pursuit of justice and accountability for atrocity crimes, including ad hoc tribunals, hybrid courts (courts with international and domestic elements), and domestic judicial processes, as well as non-penal institutions engaged in truth-telling, reparation, memorialization, and institutional reforms. Essential to many of these efforts are also the independent investigative mechanisms, commissions of inquiry and fact-finding missions that lay the groundwork for justice and accountability through fact-finding, documentation, and evidence collection of human rights violations and abuses. All these mechanisms, to one extent or another, shape the architecture of accountability under international criminal law. If confirmed, I will commit to continuing U.S. leadership in supporting a range of transitional justice measures and exploring all avenues for justice and accountability in line with U.S. foreign policy and values.

Question. Beyond the ICC, what international accountability mechanisms do you support?

Answer. The twin goals of ending impunity and providing a measure of justice for victims can be advanced by various types of international accountability mechanisms designed to address atrocity crimes. As I noted in my testimony, each situation requires a bespoke response. The United States has played a historic leadership role in establishing and supporting many of these mechanisms, including the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda in the 1990s. This assistance, which included the detail and transfer of U.S. personnel, was critical to their success. In the current day, I

am proud that the United States has continued to look for ways to support-technically, financially, diplomatically, and operationally-new international, hybrid, and national mechanisms to respond to contemporary human rights crises, including the Special Criminal Court for the Central African Republic, the Kosovo Specialist Chambers, the Special Jurisdiction for Peace in Colombia, and the international mechanisms investigating crimes in Syria and Myanmar/Burma. This generation of accountability mechanisms reflects the understanding that ensuring justice for atrocities requires utilizing a range of transitional justice mechanisms, including those that promote truth-telling, institutional reform, and memorialization. If confirmed, I will support the creation and the strengthening of those mechanisms that reflect core U.S interests and values.

Question. If the U.S. is not a member or party to avenues listed above, do you believe it should be?

Answer. The United States supports all the mechanisms I referenced above. They have generally been created by elements of the United Nations-such as the U.N. General Assembly or Human Rights Council-or by national authorities with international involvement/assistance. The United States has been instrumental in standing up these institutions, and ensuring their success, through its votes and influence in multilateral institutions and the international sphere. Ultimately, how best to respond to a situation involving atrocity crimes must be assessed on an individual basis. Each atrocity situation requires a bespoke response, depending on the national and international context. If confirmed, I will commit to applying my expertise to providing the best advice and guidance to the Secretary as to whether a proposed or existing mechanism is genuine, credible, and advances U.S. foreign policy.

Question. In your view, what are some examples of special court or tribunals which did not work well?

Answer. While the international criminal justice framework has become more robust and effective since the establishment of ad hoc tribunals in the 1990s, there is always room for reflection, learning, and improvement. If confirmed, I will look for ways to continue the United States' efforts to enhance the technical capacities of special courts and criminal tribunals and to ensure that they are cost effective, especially given the generous financial contributions that the United States has made and continues to make. In addition, the United States also has an important interest in ensuring that any transitional justice mechanism-whether a court or a truth-telling body-is fair, independent from undue political influence, and respects human rights. Doing so confers legitimacy on the institution. I also believe that there are ways in which accountability mechanisms can engage more effectively with victims, survivor groups, human rights defenders, and civil society. If confirmed, I will do all that I can to ensure that such accountability mechanisms can fulfill their respective mandates effectively and efficiently.

The Bangladesh International Crimes Tribunal offers an example where greater reflection, learning, and improvement are warranted. A previous Ambassador-at-Large visited Bangladesh multiple times to encourage Bangladeshi authorities to ensure that this special court, convened to try crimes committed during the 1971 war of independence, afforded defendants the fair trial guarantees set forth in international human rights law given concerns that the proceedings were focused on members of the political opposition and unfolding in ways considered fundamentally unfair to the defendant. Unfortunately, this tribunal has not fully respected these guarantees. Another example is the Extraordinary Criminal Chambers in the Courts of Cambodia, which featured a unique hybrid structure that led to multiple impasses between international and national staff and generated allegations of political interference, although it did accomplish some measure of justice. This particular hybrid model should not be replicated in future institutions, although other hybrid institutions have proven effective in combining local legitimacy and knowledge with international expertise, skill, and resources.

Question. The Office of Multilateral Strategy and Personnel (MSP) in the State Department's Bureau of International Organizations is leading a whole-of-government effort to identify, recruit, and install qualified, independent personnel at the U.N, including in elections for specialized bodies like the International Telecommunications Union (ITU). If confirmed, do you commit to furthering these goals and contributing to the whole-of-government strategy to elect such personnel?

Answer. Yes. If confirmed, I will coordinate closely with colleagues in the IO Bureau, the interagency, and likeminded countries to identify, promote, and elect qualified, independent candidates to U.N. bodies. The United Nations system, including U.N. tribunals for atrocity crimes, and other international entities, have long benefited from the service of qualified, independent American personnel, reach-

ing back to U.S. Supreme Court Justice Robert H. Jackson, the Chief United States Prosecutor of the Nuremberg Trials. I was proud to see the United Nations Secretary General recently appoint Professor Margaret de Guzman to serve as a roster Judge on the International Residual Mechanism for Criminal Tribunals, continuing the long-standing tradition of American leadership at international organizations. If confirmed, I will strive to advance U.S. priorities and, with our partners, our shared commitment to promoting respect for democracy and human rights and protecting the founding principles and values of the U.N.

Question. Do you believe that the ICC has jurisdiction over U.S. citizens, in particular U.S. service members?

Answer. As mentioned, I will continue to advance the U.S. Government's long-standing objection to the ICC's attempts to assert jurisdiction over nationals of non-parties such as the United States, absent the State's consent or a Security Council referral.

Question. Do you believe that the ICC has jurisdiction over Israel and Israeli citizens?

Answer. As I noted in my testimony, I share the serious concerns of the United States Government about the ICC's attempts to exercise its jurisdiction over Israeli personnel. Israel is not a party to the Rome Statute and has not consented to the Court's jurisdiction.

Question. Previously, the United States expressed concern that changes the U.N. General Assembly made—starting in 2018 and until now—to narrow the focus of the reference to the remembrance of "1994 Genocide in Rwanda" to the "1994 Genocide Against the Tutsi in Rwanda." The United States view has been that this change does not capture the fullness of the genocide, particularly the violence against other victims and non-Tutsi groups. Among the reasons, the U.S. has cited the dangers of revising language used to describe a past genocide, particularly the dangerous precedent that would create for other dates and references of remembrance. Meanwhile, the Rwandan Government points to the U.N. General Assembly's decision to affirm that the 1994 genocide specifically targeted the Tutsi in Rwanda.

- What is your view on this matter?

Answer. The 1994 genocide was one of the most horrific events of the late 20th century. In addition to the large numbers of Tutsi lives tragically lost, we also cannot forget the many Hutu and Twa who were killed during this time, some for their opposition to the atrocities being committed. Honoring and remembering all victims presents a fuller picture of this dark period in history. If confirmed, I will consider this matter carefully with my colleagues in other bureaus and offices.

Question. Should the United States review the underlying reasons behind the 1994 genocide and most of the Tutsi victims?

Answer. One of the strongest measures we can take to prevent atrocities from occurring again is to preserve the history of what has taken place and ensure that an accurate historical record is established. The International Criminal Tribunal for Rwanda, and now the International Residual Mechanism for Criminal Tribunals, have greatly contributed to establishing such a historical record, and through outreach and educational programs, providing future generations with access to this record. Examining and understanding the complex root causes of how such a horrific event could happen is necessary for the United States and the international community to ensure that it never happens again. Gathering these lessons learned is critical to enhancing the United States' programs for atrocities prevention and response.

Question. The Biden administration continues to refer to 'nascent talks' and the process of gathering evidence in the ongoing conflict in Ethiopia, among the reasons why it has not yet made an atrocities determination regarding the human rights abuses, violence and killings carried out by parties to the conflict.

- Should the United States continue to delay an atrocities determination regarding the Ethiopia conflict? If so, why? If not, what will you do, if confirmed, to impact this policy approach?

Answer. If confirmed I will look into the status of this issue and will consult regularly to ensure Congressional views are conveyed to the Secretary.

Question. Specific to the Ethiopia conflict, what would be the value of an atrocities determination, and how can it help shape current and future U.S. policy and assistance to Ethiopia?

Answer. An atrocity determination by the Secretary is one tool in our toolkit to address, respond to, and prevent atrocities. It may be appropriate at some point in Ethiopia, and, if confirmed, I look forward to providing the Secretary with my best advice on that point.

But as the Secretary has said, "regardless of what we call it," the most important priorities are to stop the violence and ensure there is justice and accountability for abuses. We must insist that the parties to the conflict in Ethiopia commit to a comprehensive, transparent, and inclusive transitional justice process that addresses grievances, holds those most responsible for human rights abuses and violations accountable, acknowledges harms, restores property to lawful owners, guarantees nonrecurrence, and facilitates country-wide reconciliation. If confirmed, I will work with colleagues in the Department to promote such efforts. The needs of victims should drive decisions about specific mechanisms.

Question. Speaking in your personal capacity, and based on what you know of the atrocities being committed in Ethiopia, how would you characterize the atrocities committed in the course of this ongoing conflict?

Answer. I am deeply concerned about the situation in Ethiopia. Reports of killings, sexual violence, and detention based on ethnicity are extremely disturbing. I have not fully analyzed whether these acts may constitute atrocity crimes, such as war crimes or crimes against humanity, but regardless of how one characterizes them, these horrific acts need to stop and those responsible need to be held accountable. If confirmed, I will work with others in the Department to promote an end to all human rights violations and abuses in Ethiopia, an inclusive peace agreement, and a commitment to comprehensive and inclusive transitional justice.

Question. Regarding atrocities determinations, should the U.S. generally give more weight to developing peace processes that often take months even years to form, over being forthright and being public in their atrocities determination?

Answer. An atrocity determination can be an important tool in efforts to prevent and stop ongoing atrocities. However, as the Secretary has said in the context of Ethiopia, "regardless of what we call it," the most important priorities are stopping the violence and ensuring justice for victims. Whether an atrocity determination at a given time will contribute to these priorities must be considered on a case-by-case basis.

Question. During President Ellen Johnson Sirleaf's administration, Liberia formed a Truth and Reconciliation Commission (TRC) in 2006 to look at the horrors of Liberia's civil wars and the related crimes committed. The TRC published its final report in 2010 that included a set of findings and recommendations, including a call for a special war crimes court and for individuals linked to factions during the war from seeking office for 30 years. The TRC listed several senior politicians, senators, including President Sirleaf, in the report. The Sirleaf Government, or the current administration under President George Weah, never implemented the TRC report, but calls for a special war crimes tribunal remain.

- Do you believe Liberia's leaders, including President George Weah, should meet previous commitments towards forming a court?

Answer. Liberia's Truth and Reconciliation Commission (TRC) report recommended a mix of criminal accountability and restorative measures to address the crimes committed during the country's civil wars to include prosecution of gross violations of human rights and violations of international humanitarian law and monetary reparations and memorialization of victims. To date, I understand the Liberian Government has not implemented the majority of the recommendations from the TRC report. In my view, to be effective, efforts to promote justice and reconciliation in Liberia must be Liberian-led. If confirmed, I will work to ensure the United States continues to be a partner to Liberia in justice and reconciliation efforts and will continue to encourage the Liberian Government and people to pursue such efforts in keeping with the recommendations of the TRC.

Question. What should be the international community's role in working with the Liberian people to see this commitment become a reality? What should be the U.S. role?

Answer. In my view, to be effective efforts to promote justice and reconciliation in Liberia must be Liberian-led. If confirmed, I will work to ensure that the United States continues to partner with Liberia in justice and reconciliation efforts, and I will continue to encourage the Liberian Government and people to pursue such efforts.

Question. During your meeting with SFRC minority staff, you stated that, in your view, the 2002 AUMF is the United States' "best argument" for the air strike against Qassem Soleimani on January 3, 2021. Can you elaborate on that view?

Answer. Thank you for these questions. My views expressed during meetings with your staff were my own, based on reading publicly available materials. Since I was not in government at the time, I cannot speak to the specific legal and policy analysis undertaken given the sensitive intelligence or other information available. I would therefore defer to experts in the State Department's Office of the Legal Adviser (L), which provides legal advice to the Department on these issues. If confirmed as Ambassador-at-Large in the Office of Global Criminal Justice, I look forward to working with Congress on matters related to the prevention of, responses to, and accountability for atrocities, which are J/GCJ's core responsibilities.

Question. Do you believe the 2002 AUMF provided an independent legal basis for this strike?

Answer. If confirmed as Ambassador-at-Large in the Office of Global Criminal Justice (J/GCJ), I would not be handling issues related to legal advice on authorizations for the use of military force.

Question. Do you believe the 2002 AUMF should be repealed?

Answer. These legal matters are not within the portfolio of the Office of Global Criminal Justice, which focuses on United States' policy regarding atrocity situations around the world.

Question. In your legal opinion, how would a repeal of the 2002 AUMF impact current detention operations?

Answer. These legal issues fall outside the remit of the Office of Global Criminal Justice, and I would therefore defer to experts in the State Department's Office of the Legal Adviser and the Department of Defense General Counsel on these matters.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO BETH VAN SCHAACK BY SENATOR JEANNE SHAHEEN

Question. The Office of Global Criminal Justice is imperative to coordinating U.S. Government efforts to bring to justice perpetrators of genocide, crimes against humanity and war crimes.

- Given this purview, how do you view the situation in Syria, where we have seen a host of horrific and immoral crimes that violate international laws?

Answer. I share Congress' horror at the scale, scope, and brutality of the Assad regime's atrocities. In my professional and academic career, I have devoted considerable energy to pursuing justice for Syria. This includes completing a PhD on "Imagining Justice for Syria" (OUP 2020) that analyzes, tracks, and evaluates a whole range of international, regional, and domestic options. If confirmed, I will strategize and strongly support U.S. efforts to promote accountability for these atrocities. The United States played a key role in establishing the U.N. Commission of Inquiry on Syria and supported the creation of the U.N. International, Impartial, and Independent Mechanism (IIIM). If confirmed, I will work to ensure that the United States continues its crucial support of the IIIM's mission to collect, consolidate, preserve, and analyze evidence of the violations of international humanitarian law and human rights violations and abuses committed in Syria since 2011 for future accountability and transitional justice processes. This work is critical to facilitating criminal justice mechanisms and to paving the way for a durable political solution that addresses the aspirations for justice of the Syrian people. I also believe that the Office of Global Criminal Justice has a particularly important role to play in supporting documentation and accountability efforts by Syrian human rights defenders and their international partners, many of whose efforts feed directly into the IIIM and its work.

Question. Could you speak to the importance of American leadership to deter crimes against humanity and war crimes?

Answer. The United States was present at the founding of the field of international criminal law in the post-World War II era. Since then, U.S. leadership has been instrumental in helping to establish and support modern justice institutions, including criminal tribunals, fact-finding bodies, and transitional justice mechanisms operating in post-conflict environments. This century, attention has shifted to

the imperative of preventing atrocities in addition to providing accountability after the fact. Mass atrocities threaten international peace and security, including through destabilizing regions; generating internal displacement and refugee flows; emboldening perpetrators and creating openings for violent extremism; disrupting economic relations and undermining progress on economic development; contributing to state fragility; necessitating costly ex post interventions; and undermining the credibility of international norms.

Given these effects, all states should be encouraged to commit to working together on prevention and civilian protection. The United States is uniquely situated to convene coalitions of like-minded states to ensure a robust multilateral response. In addition, it can provide tangible technical and operational assistance to human rights defenders, peacebuilders, investigators, government authorities, and civil society actors to understand and interrupt vectors of violence, protect civilians, address potential triggers, build societal resilience, and constrain perpetrators. The Office of Global Criminal Justice has proven central to coordinating U.S. Government efforts to bring to justice perpetrators of atrocities but also to help conceptualize ways to respond to situations at risk of experiencing mass violence. In this way, it plays an instrumental role in the prevention and recurrence of violence. If confirmed, I look forward to joining a tremendous team of subject matter experts who are devoted to this portfolio.

Correspondence Supporting Sarah Cleveland's Nomination

January 10, 2022

Senator Bob Menendez
Chairman, U.S. Senate Foreign Relations
Committee
423 Dirksen Senate Office Building
Washington,DC 20510

Senator James E. Risch
Ranking Member, U.S. Senate Committee on
Foreign Relations
423 Dirksen Senate Office Building
Washington DC 20510

Dear Chairman Menendez and Ranking Member Risch:

We are former Legal Advisers of the Department of State, having served in Republican and Democratic Administrations for the last forty years. We write to provide our strong bipartisan support for the confirmation of Sarah H. Cleveland, who has been nominated to be Legal Adviser by President Joe Biden. All of us know Ms. Cleveland and many of us have served with her on the Secretary of State's Advisory Committee on International Law. Although we may not endorse all of Ms. Cleveland's views, all of us do agree that she is well-qualified to serve as Legal Adviser of the Department of State and should be confirmed.

Ms. Cleveland is extremely familiar with the responsibilities of the Legal Adviser, having served as Counselor to the Legal Adviser from 2009-2011 and then as a member of the Advisory Committee on International Law (which is chaired by the Legal Adviser) from 2011 to the present. She has worked closely with many of the attorneys in the Legal Adviser's office as well as senior career and non-career officials in the Department of State. She is familiar with the important role of the office in the interagency process and has previously worked closely with lawyers at the Departments of Defense, Justice, Homeland Security, Treasury, and the National Security Council and U.S. intelligence agencies, among others. She already knows many of her counterparts as legal adviser in the foreign ministries of other countries. Her prior extensive experience in government will allow her to hit the ground running and to be especially effective in vigorously representing U.S. interests around the world.

In addition, Ms. Cleveland is also deeply knowledgeable about international law and U.S. foreign relations law. A native of Alabama, she has taught both subjects law for more than 20 years at Columbia Law School, the University of Texas School of Law, Harvard Law School, and Michigan Law School. She currently holds the Louis Henkin Chair in Human and Constitutional Rights and is Faculty Co-Director of the Human Rights Institute at Columbia Law School. She is the author of many articles on international and foreign relations law and human rights. As a result of her reputation, expertise and judgment in the field, Ms. Cleveland was selected to serve as Co-Coordinating Reporter to oversee preparation of the recent Fourth Restatement of the Foreign Relations Law of the United States.

Ms. Cleveland has a distinguished academic record. After graduating from high school in Alabama, she received her B.A. (with honors and Phi Beta Kappa) from Brown University; a Masters from Oxford University, where she studied on a Rhodes Scholarship; and her J.D. from Yale Law School. She then clerked for Judge Louis F. Oberdorfer on the United States District Court for the District of Columbia, and for Supreme Court Justice Harry A. Blackmun.

Ms. Cleveland is already well known and respected around the world as an international lawyer. She served as Vice Chair and member of the U.N. Human Rights Committee (2015–2018) and was the U.S. Observer Member and Member on the Venice Commission of the Council of Europe (2010–2019). For these positions, she was nominated or appointed by the U.S. Government.

In this period of growing international tensions, we believe it is critically important to have a confirmed Legal Adviser to represent the United States in meetings and negotiations with foreign officials and to be the voice of the U.S. government on international law matters, including by calling out violations of international law and human rights by China, Russia, Iran, Cuba, Venezuela and other countries. If confirmed, we believe Ms. Cleveland would be an important voice and advocate for the U.S. government on international law and human rights. Even an experienced acting Legal Adviser cannot be as forceful and effective an advocate for U.S. interests as a Legal Adviser appointed by the President and confirmed by the Senate.

For all of these reasons, we believe Ms. Cleveland is well-qualified to serve as Legal Adviser. We urge the Committee to recommend her confirmation and that the full Senate confirm her quickly.

Sincerely yours,

John B. Bellinger III
Legal Adviser, 2005-2009

Conrad K. Harper
Legal Adviser,1993-1996

Brian J. Egan
Legal Advisor, 2016-2017

Harold Hongiu Koh
Legal Adviser, 2009-2013

Jennifer G. Newstead
Legal Adviser, 2018-2019

Abraham D.Sofaer
Legal Adviser, 1985-1990

Davis R. Robinson,
Legal Adviser, 1981-1985

William H. Taft, IV
Legal Adviser, 2001-2005

EDWIN D. WILLIAMSON
WASHINGTON, DC

January 10, 2022

Senator Bob Menendez
Chairman, U.S. Senate Foreign Relations Committee
423 Dirksen Senate Office Building
Washington, DC 20510

Senator James E. Risch
Ranking Member, U.S. Senate Committee on Foreign Relations
423 Dirksen Senate Office Building
Washington, DC 20510

Re: Nomination of Sarah H. Cleveland To Be State Department Legal Adviser

Dear Chairman Menendez and Ranking Member Risch:

I join my fellow former State Department Legal Advisers in urging the prompt confirmation of Sarah H. Cleveland, who has been nominated to be Legal Adviser by President Joe Biden. The State Department has not had a Senate-confirmed Legal Adviser since May 2019. For good governance reasons, it is important that your Committee promptly approve Professor Cleveland's nomination and send it to the Senate for an expeditious confirmation.

Very truly yours,

Edwin D. Williamson
State Department Legal Adviser 1990-93

January 10, 2022

Senator Bob Menendez
Chairman, U.S. Senate Foreign Relations Committee
423 Dirksen Senate Office Building
Washington, DC 20510

Senator James E. Risch
Ranking Member, U.S. Senate Committee on Foreign Relations
423 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Menendez and Ranking Member Risch:

We are former Legal Advisers of the Department of State, having served in Republican and Democratic Administrations for the last forty years. We write to provide our strong bipartisan support for the confirmation of Sarah H. Cleveland, who has been nominated to be Legal Adviser by President Joe Biden. All of us know Ms. Cleveland and many of us have served with her on the Secretary of State's Advisory Committee on International Law. Although we may not endorse all of Ms. Cleveland's views, all of us do agree that she is well-qualified to serve as Legal Adviser of the Department of State and should be confirmed.

Ms. Cleveland is extremely familiar with the responsibilities of the Legal Adviser, having served as Counselor to the Legal Adviser from 2009-2011 and then as a member of the Advisory Committee on International Law (which is chaired by the Legal Adviser) from 2011 to the present. She has worked closely with many of the attorneys in the Legal Adviser's office as well as senior career and non-career officials in the Department of State. She is familiar with the important role of the office in the interagency process and has previously worked closely with lawyers at the Departments of Defense, Justice, Homeland Security, Treasury, and the National Security Council and U.S. intelligence agencies, among others. She already knows many of her counterparts as legal adviser in the foreign ministries of other countries. Her prior extensive experience in government will allow her to hit the ground running and to be especially effective in vigorously representing U.S. interests around the world.

In addition, Ms. Cleveland is also deeply knowledgeable about international law and U.S. foreign relations law. A native of Alabama, she has taught both subjects for more than 20 years at Columbia Law School, the University of Texas School of Law, Harvard Law School, and Michigan Law School. She currently holds the Louis Henkin Chair in Human and Constitutional Rights and is Faculty Co-Director of the Human Rights Institute at Columbia Law School. She is the author of many articles on international and foreign relations law and human rights. As a result of her reputation, expertise and judgment in the field, Ms. Cleveland was selected to serve as Co-Coordinating Reporter to oversee preparation of the recent Fourth Restatement of the Foreign Relations Law of the United States.

Ms. Cleveland has a distinguished academic record. After graduating from high school in Alabama, she received her B.A. (with honors and Phi Beta Kappa) from Brown University; a

Masters from Oxford University, where she studied on a Rhodes Scholarship; and her J.D. from Yale Law School. She then clerked for Judge Louis F. Oberdorfer on the United States District Court for the District of Columbia, and for Supreme Court Justice Harry A. Blackmun.

Ms. Cleveland is already well known and respected around the world as an international lawyer. She served as Vice Chair and member of the U.N. Human Rights Committee (2015–2018) and was the U.S. Observer Member and Member on the Venice Commission of the Council of Europe (2010–2019). For these positions, she was nominated or appointed by the U.S. Government.

In this period of growing international tensions, we believe it is critically important to have a confirmed Legal Adviser to represent the United States in meetings and negotiations with foreign officials and to be the voice of the U.S. government on international law matters, including by calling out violations of international law and human rights by China, Russia, Iran, Cuba, Venezuela and other countries. If confirmed, we believe Ms. Cleveland would be an important voice and advocate for the U.S. government on international law and human rights. Even an experienced acting Legal Adviser cannot be as forceful and effective an advocate for U.S. interests as a Legal Adviser appointed by the President and confirmed by the Senate.

For all of these reasons, we believe Ms. Cleveland is well-qualified to serve as Legal Adviser. We urge the Committee to recommend her confirmation and that the full Senate confirm her quickly.

Sincerely,

John B. Bellinger III
Legal Adviser, 2005-2009

Brian J. Egan
Legal Adviser, 2016-2017

Conrad K. Harper
Legal Adviser, 1993-1996

Harold Hongju Koh
Legal Adviser, 2009-2013

Jennifer G. Newstead
Legal Adviser, 2018-2019

Davis R. Robinson,
Legal Adviser, 1981-1985

Abraham D. Sofaer
Legal Adviser, 1985-1990

William H. Taft, IV
Legal Adviser, 2001-2005

NOMINATIONS

TUESDAY, FEBRUARY 8, 2022

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

The committee met, pursuant to notice, at 10:07 a.m., in Room SD–106, Dirksen Senate Office Building, Hon. Robert Menendez presiding.

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

Also Present: Senators Schumer and Rosen.

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

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

We are here today to consider nominations for four important positions: Dr. Deborah Lipstadt to be the Special Envoy to Monitor and Combat Antisemitism, Ambassador Laura Dogu to be Ambassador to Honduras, Assemblyman Nickolas Perry to be Ambassador to Jamaica, and Ms. Randi Charno Levine to be the Ambassador to Portugal.

Congratulations to each of you. We appreciate your willingness and the sacrifices that are made not just by you but your families, who are part of this process, to serve our country in this capacity.

I know that the majority leader is on his way to introduce some of our nominees. But I see that Senator Rosen is with us. I will recognize her at this time to introduce Dr. Lipstadt.

STATEMENT OF HON. JACKY ROSEN, U.S. SENATOR FROM NEVADA

Senator ROSEN. Chairman Menendez, thank you, and Ranking Member Risch. I really want to thank you both for holding this important hearing on the nomination of Deborah Lipstadt to serve our nation as Special Envoy to Monitor and Combat Antisemitism, which last year was elevated by Congress to rank of Ambassador.

Dr. Lipstadt has devoted her life to fighting back against antisemitism and Holocaust denial. She is a renowned scholar of Holocaust studies at Emory University, has published multiple books on antisemitism and Holocaust denialism, and who famously defeated a libel suit brought against her by Holocaust denier David Irving.

She is, arguably, the nation's foremost expert on antisemitism and Holocaust denial with over four decades of groundbreaking

scholarship, and her nomination comes at a critical time in the fight against antisemitism.

In the United States and across the globe, we are witnessing a significant rise in antisemitism, violent extremism, and Holocaust distortion and denial.

From swastikas spray painted in public synagogues—in public to synagogues being attacked, we have recently seen heinous acts of harassment and violence targeting Jewish communities.

We are also seeing an alarming rise in Holocaust distortion and denial worldwide. More and more people are vocally questioning, trivializing, or outright denying the atrocities of the Holocaust, eroding the truth of one of the worst chapters of human history and dishonoring the memory—dishonoring the memory—of the 6 million Jews who were murdered.

As co-founder of the Senate's bipartisan Task Force for Combating Antisemitism, my mission has been to confront this head on. Alongside my colleague, Senator James Lankford, we brought Senators from both sides of the aisle together to address this growing crisis.

With dedicated leadership in place at the State Department, we can put a stop to these disturbing trends. I am honored to introduce to you today an exceptionally qualified nominee to serve as Special Envoy and take on global antisemitism head on no matter where it rears its ugly head.

And while Senator Lankford could not be with us in person today, he submitted a statement for the record in strong support of Dr. Lipstadt's swift confirmation, because we both recognize the urgent need for American leadership in combating global antisemitism.

Dr. Deborah Lipstadt has an extensive record of combating and calling out antisemitism no matter which side of the political spectrum it comes from, and with this tough but fair approach, she will serve a vital role in our nation's critical work to protect Jewish communities and combat antisemitism across the globe.

We cannot waste any more time. I urge my colleagues to advance her nomination so she can lead the State Department's efforts to improve the safety and security of at-risk Jewish communities, promote accurate Holocaust education, and ensure foreign leaders condemn antisemitic discourse.

Thank you.

The CHAIRMAN. Thank you, Senator Rosen. And I know that you have a busy schedule so whenever you feel it appropriate you are welcome to leave.

Senator Schumer is here, and I know he wants to speak and introduce both Mr. Perry and Ms. Levine.

STATEMENT OF HON. CHARLES E. SCHUMER, U.S. SENATOR FROM NEW YORK

Senator SCHUMER. Thank you very much to Chairman Menendez, to Ranking Member Risch, and all the members of the SFRC, this great committee, for the opportunity to introduce two really outstanding nominees this morning.

It is my honor to introduce a proud New Yorker, a dear and longtime friend—we have known each other for 30 years—and fellow

Brooklynite, Nick Perry, to serve as the next U.S. Ambassador to Jamaica.

I worked hard to make sure President Biden named Nick for this post and I am glad to finally be here introducing him to the committee. He is here with his wife, Joyce, his son, Nickolas, and he has one granddaughter, Justine Skye, who is a famous recording artist, so she could not be here today, but made good. Local girl made good.

Now, whether I am back home in Brooklyn—whenever I am back home in Brooklyn, particularly at the West Indian Day Parade, I ask folks, what is the biggest island in the Caribbean? I tell them it is a trick question.

Some people say Haiti. Some people say Cuba. Some people say Barbados. I say no, it is Brooklyn. We have more Caribbean immigrants than anywhere else, and it is a great and wonderful, hard-working community, climbing up that ladder and being part of the American dream.

And this makes Nick Perry not only an outstanding nominee because of his qualifications and who he is, but an exceedingly fitting nominee to serve as our next Ambassador to Jamaica.

He is a native of the island, and Nick Perry would be the first ever—the first ever Jamaican-born person to serve as its American Ambassador. It is, truly, an important milestone, one that, I would add, is long overdue.

Back home, Assemblyman Perry is known—is a well-known face in the community. He has a knack for doing politics the old-fashioned way, shaking hands, showing up at every event, and just listening to people from everyday life. Nick is an immigrant, he is a veteran, and a longtime public servant, and he represents the best of what America is all about.

I am certain that Nick will be a wonderful Ambassador to Jamaica, and one other thing I would note—he has a beautiful tenor voice, sort of like you, Mr. Chairman, and he is often asked to sing the "Star-Spangled Banner" at a multitude of events throughout Brooklyn and throughout New York.

It is also my great honor to introduce another great New Yorker, Randi Charno Levine, nominated by President Biden to serve as the next U.S. Ambassador to Portugal. I was proud to urge the Biden administration to name Randi for this important post and, when confirmed, she will become only the second woman to head our diplomatic mission in Portugal.

I have known Randi and her husband, Jeff, who is right there, for over 30 years, and Randi in particular has been one of our city's top philanthropic forces for decades. Few have advocated as passionately and tirelessly for New Yorkers as Randi and Jeff have, and I am particularly grateful for the work they have done in support of New York's Jewish communities.

It has been a blessing to see firsthand their leadership, their generosity, and most of all, their desire to bring people together.

As chair of the Meridian Center for Cultural Diplomacy here in Washington, Randi has been one of our country's best leaders, promoting cultural exchanges between students, diplomats, and businesses.

In other words, she has already advanced in a different context the work any good ambassador must accomplish, encouraging understanding between our country and those across the world.

And as trustee for the New Museum in New York, Randi has also worked with established and emerging artists from Peru to Italy to Portugal and more, lifting up the voices of women artists and bringing their work to American audiences.

I have every bit of confidence that Randi will represent the U.S. with distinction to Ambassador to Portugal, and I thank the President for acting on my recommendation.

And one more point, Mr. Chairman, and thank you for your indulgence. Though I am not introducing her this morning—I know that Senator Rosen has—I want to recognize the nomination of Professor Deborah Lipstadt to serve as the State Department's Special Envoy to Monitor and Combat Antisemitism.

I am glad she is getting her confirmation hearing today. The malicious poison of antisemitism must be confronted whenever it rears its ugly head.

Sadly, we have seen a spike of antisemitism here at home and around the world, making this post at the State Department all the more urgent.

As one of the nation's top scholars on the Holocaust and on modern-day antisemitism, Dr. Lipstadt ought to be confirmed as soon as possible. We just saw a few more antisemitic incidents in Williamsburg yesterday in New York.

I want to thank the committee for holding this hearing and I want to congratulate her on her nomination.

Finally, I do not want to leave out since I have spoken on three of the nominees—I would like to welcome the fourth, Laura Dogu, the Ambassador to Honduras, a distinguished member of our Foreign Service, and I thank her as well for her service.

I thank you, Mr. Chairman, Mr. Ranking Member, for your allowing me to welcome these guests.

The CHAIRMAN. Thank you, Mr. Leader, for those glowing introductions and I know that you have an incredibly busy schedule so you are welcome to depart when it feels appropriate.

Let me turn to the nominees.

Let me welcome world-renowned scholar Deborah Lipstadt to be considered as the first Special Envoy to Monitor and Combat Antisemitism with the rank of Ambassador.

I am truly disappointed it took this long to schedule your hearing, and I look forward to your swift confirmation.

I have received a number of letters in support of Dr. Lipstadt's nomination, and I would ask unanimous consent that they be entered into the record.

Without objection, so ordered.

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

The CHAIRMAN. Antisemitism is rising across the world. We see it inscribed in textbooks for children across the Middle East, violent attacks on Jewish communities.

Antisemitism is rising across the world—the defacing of religious buildings and graveyards. Every year more Jewish people around

the world, from Europe to Latin America to in my home state of New Jersey, are increasingly fearful for their safety.

History has taught us that rising antisemitism goes hand in glove with authoritarianism, racism, and oppression, and I believe you will be a huge asset to the department as it works to combat this centuries-old scourge.

I am pleased to welcome Ambassador Laura Dogu, our nominee for Honduras. Since 2014, the United States has intensified its engagement with Honduras, along with its neighbors, El Salvador, and Guatemala, to address the security challenges, low levels of democratic governance, and high levels of extreme poverty that drive irregular migration.

During this period, I have repeatedly urged that we use our foreign assistance to make significant investments in the rule of law in Central America and increase accountability for elites involved in criminal activity. I welcome the Biden administration's focus on these issues.

Given repeated natural disasters, endemic levels of criminal violence in Honduran society, and the impact of COVID–19 pandemic, I have also led calls for the Administration to re-designate Honduras for temporary protective status.

I look forward to hearing our nominee's assessment of country conditions in Honduras and how the United States can best address ongoing governance challenges.

I am also pleased to welcome New York Assemblyman Nick Perry, the President's nominee to be our next ambassador to Jamaica. Jamaica is a key U.S. political and security partner in the Caribbean as well as in the Organization of American States.

We know that COVID–19 has hit Jamaica and its economy especially hard, and I look forward to hearing from our nominee how the United States can support pandemic recovery efforts.

Additionally, given major investments by China in Jamaica, I look forward to hearing from our nominee about the risks to U.S. national interests and how we can strengthen relations with our neighbor.

Finally, let me welcome Ms. Levine to the committee. Congratulations on your nomination. Portugal is an important friend and ally of the United States, and as I am sure you know—I think we had a conversation yesterday which I enjoyed your visit—we have a robust Portuguese-American community in New Jersey, whose contributions to our state are immeasurable.

Portugal's role in NATO is essential to transatlantic security, including through its leadership of Baltic Air Policing missions. Portugal hosts the naval striking and support forces at NATO headquarters, and the U.S. 65th Air Base group at Lajes Air Base.

The U.S. is Portugal's largest non-EU trading partner, and our trade and investment relationship continues to grow.

I look forward to your swift arrival in Lisbon to continue to bolster our strong relationship with a key partner and ally.

Let me turn to for this hearing—the distinguished ranking member of the Western Hemisphere Subcommittee has had a coup and Senator Risch has actually graciously conceded to him presiding over this hearing.

Senator Rubio?

STATEMENT OF HON. MARCO RUBIO,
U.S. SENATOR FROM FLORIDA

Senator RUBIO. Anytime two Cubans are in charge of anything, it is usually called a conspiracy. But I appreciate the opportunity to share the co-chair to be the ranking member on this today.

Thank you all for being here. I am very happy to see the President has made these nominations to Honduras and to Jamaica. Senators Menendez and Kaine and myself sent a letter urging that he nominate qualified individuals throughout the Western Hemisphere.

These are two important posts. Starting with Honduras, the pandemic put more than 400,000 Hondurans out of work, and then two hurricanes that caused almost $2 billion in damages to a country that really could not afford it.

And then on top of that, the energy sector is actually one of the least efficient in the entire region. I think it costs them about $450 million dollars annually with 29 percent of energy produced lost in the transmission. It is a very serious problem.

They have a new government, and I hope that this new government will take the opportunity to implement common sense reforms that will make it a place that is more amenable to foreign investment.

Those things, I think, could end up resulting in things like nearshoring of U.S. supply chains, which we talk about that all the time.

Why are most things—if more things were being made in nations like Honduras closer to our country we would have a more secure supply chain, and we would be less reliant on disruptions coming from other regions of the world.

I hope the new president will follow that path and not the example that was set by her husband when he was the president and cozied up to Chavez in Venezuela and Raul Castro in Cuba, and I am concerned that she has openly suggested the idea of perhaps switching recognition from Taiwan to the People's Republic of China.

Ambassador Dogu, if you are confirmed, I hope you will use your extensive previous diplomatic experience including very difficult places like Nicaragua to help make clear and have influence over the new Honduran Government as it seeks to navigate these challenges and in particular that we emphasize how important it is that that recognition of Taiwan not be switched.

When it comes to Jamaica, it is the largest English-speaking nation in the Caribbean. It has very strong cultural, historical, economic ties to this country and particularly to south Florida.

We have a very robust Jamaican-American and Jamaican expat community that does business in our state but remains citizens of Jamaica and they are undergoing a pretty ambitious reform program under Prime Minister Holness. Their public debt fell below 100 percent in GDP for the first time. Very impressive.

The United States is their largest trading partner and that does include companies that now provide products that form the very basis of exactly the kind of sustainable and secure supply chains we need more of.

They have a very strong economic relationship with the United States with my home state, but they are suffering the consequences of the illegal drug crisis that we are facing in this country.

Its location geographically makes it ripe for drug trafficking, and they have been a very strong partner. Jamaica has been a very strong partner in countering these drug trafficking networks and, obviously, we should continue to do more to bolster their capabilities to do that.

If confirmed, Assemblyman Perry, I hope you will build on your experience, not just in the legislature but also your deep ties to Jamaica, to help foster and continue to build on that U.S.-Jamaica partnership.

When it comes to Portugal, it is, obviously, a NATO ally and actually one that has really done quite a bit. They contributed significantly towards the operations in Afghanistan, the Baltic Air Policing mission, Rapid Reaction and Naval Strike Force.

And so if you are confirmed, you are overseeing a very important relationship for the United States at a very tense time, obviously, when it comes to NATO and recent and ongoing events in Ukraine.

And, finally, Dr. Lipstadt is the nominee to be the U.S. Special Envoy to Monitor and Combat Antisemitism. I believe you will be the first person nominated to this position since my Special Envoy to Monitor and Combat Antisemitism Act became law in January of 2021, which made this position subject to Senate confirmation.

And my intent when I authored that law was to ensure that the Special Envoy would be a nonpartisan figure to develop and implement the department's policies to address the evil poison—the ancient and evil poison of antisemitism around the world.

And so you, clearly, bring considerable experience and breadth and scope of experience on Holocaust matters, on history. Authored numerous books and countless articles on the topic, both on the Holocaust and antisemitism, and I am really eager to learn how, if you are confirmed, you intend to continue our traditional nonpartisan approach to America's antisemitism policy, because I truly believe it is one that is shared by the overwhelming majority of people in American politics and American Government and in America.

And I would like to note, if I can, Mr. Chairman, my colleague, Senator Lankford, provided a statement regarding this nomination and I ask that it be included in the record.

The CHAIRMAN. Without objection.

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

Senator RUBIO. And with that, I want to thank all of you for being here today and for your willingness to serve your country. Thank you.

The CHAIRMAN. Senator Risch, the ranking member of the full committee?

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

Senator RISCH. Thank you, Mr. Chairman.

I want to thank Senator Rubio for agreeing to preside as ranking member on this because of the important matters regarding the Western Hemisphere and because the ranking member on the subcommittee often has deep knowledge of this.

In addition, we have the other nominations here: Portugal, which is very important, as both of you have pointed out, and then Ms. Lipstadt, whose nomination is very important. Senator Rubio mentioned how his bill that provided for this special envoy is warmly received by this committee.

This committee is strongly committed to fighting antisemitism, each and every member thereof. I am not aware of anyone who has any weakness whatsoever on this issue. I know there was some grumbling about how quickly Ms. Lipstadt's nomination went forward.

This is a learning moment for people who want to be appointed to something that requires Senate nomination. That is, whenever an appointee has made remarks publicly regarding a member, particularly of the Senate committee that is under jurisdiction, it always draws and should draw more scrutiny and more vetting than usual inasmuch as our job of advice and consent is very important.

I think this is going to become abundantly clear in a few moments when Senator Johnson has a few words to say on this particular subject.

Again, thank you, and thank you, Senator Rubio. It would be nice if you would return the favor occasionally and let me be ranking member on the Intelligence Committee, particularly, if we hold a hearing on unidentified flying objects, since, as you know, I am deeply committed to that issue.

Thank you very much.

Senator RUBIO. Now he has gone too far, but——

[Laughter.]

The CHAIRMAN. All right. Thank you, Senator Risch.

We will turn to our nominees for their statements. We ask you to summarize them in about five minutes or so so the committee can engage in a conversation with you. Your full statements will be included in the record, without objection.

And we will start with Dr. Lipstadt and just go down the roster. Thank you.

STATEMENT OF DR. DEBORAH E. LIPSTADT OF GEORGIA, NOMINATED TO BE SPECIAL ENVOY TO MONITOR AND COMBAT ANTI–SEMITISM, WITH THE RANK OF AMBASSADOR

Ms. LIPSTADT. Chairman Menendez, Ranking Member, and distinguished members of the committee, thank you, Senators.

Being here is one of the great honors and great surprises of my life. I am nominated for a rather unusual ambassadorship. With your permission, I begin with something rather unusual, a Hebrew blessing.

Barukh atah Adonai, matir assurim.—"Blessed are you G–d, who frees the captives."

This blessing was recited by Jews worldwide when we heard of the escape from the Colleyville synagogue of the resourceful and brave captives.

Many of us fearing the worst sat suspended over the void with another blessing at the ready.

Barukh dayan emet.—"Blessed is the merciful judge," the blessing Jews traditionally recite upon hearing of a death, particularly, an untimely tragic one.

Senators, this was no isolated incident. Increasingly, Jews have been singled out for slander, violence, and terrorism.

Today's rise in antisemitism is staggering. We witness a surge less than eight decades after one out of every three Jews on Earth was murdered. Often in their long history, Jews have felt abandoned, but then is not now, certainly, not in the United States.

Today, the American Government recognizes Jew hatred as a serious global challenge. I sit here because the United States in a bipartisan—the United States Senate in a bipartisan effort takes this problem seriously enough to create, fund, and now elevate this position to an ambassadorship.

Senators, I have taught about antisemitism for 40 years. I have written seven books and countless articles. I have designed museum exhibits, including at the United States Holocaust Memorial Museum.

I have lectured at universities from Germany to the Vatican's Pontifical Institute. But I have not stayed in the academies' ivory tower. I have confronted real-world antisemitism. I cite three life-changing moments.

In 1972 as a young graduate student, I visited the Soviet Union to meet refuseniks, the Soviet Jews whose applications to leave the USSR were rejected by Moscow. They lost their jobs, their families were harassed, their children bullied. I anticipated finding people cowering in fear. I did not.

Senators, though Soviet Jews were the bravest, most resolute people I have met. They spoke truth to tyranny and were profoundly liberated by so doing.

I went to strengthen their Jewish identity and their fight for freedom. I left strengthened by them and acutely aware of democracy's precious gift.

A second episode. In 1996, I was sued for libel for describing the world's leading Holocaust denier as a fraud, racist, and anti-Semite. He sued me in the U.K., hoping to exploit Britain's more lenient libel laws.

The grueling six-year legal battle resulted in a resounding verdict in my favor and against antisemitism. Yet, for the 10 weeks of the trial, I listened in a London courtroom to a Hitler apologist spew Holocaust denial, antisemitism, and racism.

And, finally, a more recent episode. In 2021, I was an expert witness at the Charlottesville civil suit against the organizers of the vile August 2017 demonstration. For those extremists who came to Charlottesville ready to do battle, neo-Nazism, racism, and antisemitism are intimately intertwined.

Senators, as these episodes suggest, Jew hatred can be found across the entire political spectrum. One finds it among Christians, Muslims, atheists, and sadly, even a handful of Jews. One finds it

in Europe, the Middle East, Latin America, and even in countries with no Jews.

I am an equal opportunity foe of antisemitism. Unless one is willing to fight Jew hatred wherever one finds it, one should not be a nominee for this position.

My parents were immigrants to this exceptional republic, and they embedded in their children a love for country, a rock-solid Jewish identity, and the belief that we could achieve great things.

But they, certainly, never imagined that one of their children could be nominated for an ambassadorship, one that speaks of our republic's determination to confront a hatred that defies our founding ideals.

Senators, I am blessed with a job at a university—a job I love at a university I revere with inspiring students. This role, if I am honored by confirmation, will be difficult and demanding.

When first asked to apply for it, I told a friend I would not. But she said, you could make a difference.

Senators, if confirmed, I shall fight antisemitism worldwide without fear or favor and with that one goal emblazoned before me, to make a difference.

Finally, if confirmed, I pledge to make myself available to this committee, its members and staff, to seek advice and guidance wherever appropriate.

Mr. Chairman and Ranking Member, thank you for your time and your consideration. Thank you for this great honor. I look forward to your questions.

[The prepared statement of Ms. Lipstadt follows:]

PREPARED STATEMENT OF DEBORAH E. LIPSTADT

Chairman Menendez, Ranking Member, and distinguished members of the committee, Thank you, Senators. Being here is one of the great honors—and great surprises—of my life. I am nominated for a rather unusual ambassadorship, so with your permission, I'd like to open with something unusual:

A Hebrew blessing—*Barukh ata Adonai, matir assurim.* Blessed are you G–d, who frees the captives.

This blessing was recited by Jews worldwide when we heard of the escape from the Colleyville, Texas, synagogue of the resourceful and incredibly brave captives.

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Senators, this was no isolated incident. Increasingly, Jews have been singled out for slander, violence and terrorism.

Today's rise in antisemitism is staggering. It is especially alarming that we witness such a surge less than eight decades after one out of three Jews on Earth was murdered.

Often, in their long history Jews have felt abandoned. But then is not now, certainly not in the United States.

Today the American Government recognizes Jew-hatred as a serious global challenge. I sit here because, the United States Senate, in a bipartisan effort led by Senators Rosen and Lankford, takes this problem seriously enough to create, fund, and now, elevate this position to an Ambassadorship.

Senators, I have taught about antisemitism for 40 years. I have written seven books and countless articles about it. I have designed museum exhibits, including at the United States Holocaust Memorial Museum. I have lectured at universities from Germany to the Vatican's Pontifical Institute.

But I haven't stayed in the academy's Ivory Tower. I have repeatedly confronted real world antisemitism. I cite three life-changing moments.

- In 1972, when I was a young graduate student, I visited the Soviet Union to meet Refuseniks, the Soviet Jews whose applications to leave the USSR for

Israel or the United States were rejected by Moscow. They lost their jobs; their families were harassed; their children were bullied.

I anticipated finding people cowering in fear. I did not. Senators, those Soviet Jews were the bravest, most resolute people I've met. They spoke truth to tyranny and were profoundly liberated by so doing. I went to strengthen their Jewish identity and their fight for freedom. I left strengthened by them and acutely aware of democracy's precious gift.

- Let me share a second episode. In 1996, I was sued for libel for accurately describing the world's leading Holocaust denier as a fraud, racist, and antisemite. He sued me in the U.K., hoping to exploit Britain's more lenient libel laws. The grueling six-year legal battle resulted in a resounding verdict in my favor and against antisemitism. Yet for the ten weeks of the trial, I sat in a London courtroom, listening to a Hitler apologist spew Holocaust denial, antisemitism, and racism.
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But they certainly never imagined that one of their children could be nominated for an ambassadorship—and one that speaks of our republic's determination to confront a hatred that defies our founding ideals.

Senators, I am blessed with a job I love, at a university I revere, with inspiring students. This new role, if I am honored by confirmation, will be difficult and demanding. When I was first asked to apply for it, I told an old friend that I doubted I would. Without hesitation, she said, "But you could make a difference."

Senators, if confirmed, I shall fight antisemitism worldwide, without fear or favor and with that one goal emblazoned before me: to make a difference.

Finally, if confirmed, I pledge to make myself available to this committee, its members, and staff to seek advice and guidance wherever appropriate.

Mr. Chairman and Ranking Member, thank you for your time and your consideration. Thank you for this great honor. I look forward to your questions.

The CHAIRMAN. Thank you, Dr. Lipstadt, for a very powerful statement.

Ambassador Dogu?

STATEMENT OF HON. LAURA FARNSWORTH DOGU OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, NOMINATED TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HONDURAS

Ms. DOGU. Chairman Menendez, Ranking Member Rubio, distinguished members of the committee, it is an honor to appear before you today as President Biden's nominee to be the U.S. Ambassador to the Republic of Honduras.

If confirmed, I look forward to working with you to advance our Nation's interests alongside Honduras' first woman president in its 200-year history.

During a public service career that has taken me around the world, including to Nicaragua as the U.S. Ambassador, I have leaned on my family for support.

My late husband and I raised two sons who are both serving our Nation, one with two combat tours in Afghanistan with the 75th Ranger Regiment, and the other on the frontlines of our nation's defense with the 82nd Airborne Division.

Unfortunately, their military duties did not allow them to be here today, but I am very proud of their service to our nation and I know they are supporting me remotely.

The United States has a strong and multifaceted partnership with Honduras. As Assistant Secretary Nichols testified, too many ordinary citizens in the region's democracies saw their governments failing to meet their expectations and aspirations for a better future.

Corruption remained rampant. Economies grew, but so did inequality. Crime and insecurity took too many lives and stymied the region's development.

But the citizens of Honduras confronted these challenges and demonstrated their belief in democracy by voting in historic numbers on November 28th.

If confirmed, I will work with the U.S. Congress and interagency, the Honduran Government and people, international partners, civil society, and the private sector to promote a democratic Honduras, a Honduras with transparent institutions that fight corruption, narcotics trafficking, and organized crime, to enhance security and address the root causes of migration, including through promoting human rights.

I will work with these same diverse partners to reactivate the economy, enhance climate resilience, and respond to the COVID–19 pandemic.

The U.S. Government supports the new president's plans to reduce corruption, including through internationally supported mechanisms.

Through DOD, DEA, and State's INL program, the embassy works to improve Honduras' ability to interdict drugs and disrupt drug trafficking and other transnational criminal networks. The new administration's focus on citizen security presents an opportunity to cooperate with the highest levels of Government in Honduras on this issue.

Honduras also works with the United States, including the Department of Homeland Security, to address irregular migration. Its efforts have included expanded document checks in checkpoints, strengthened reintegration services for minors and families to deter recidivism, and acceptance of direct flights of migrants expelled from the United States under Title 42.

Hondurans remain among the largest group of Central Americans apprehended at the U.S. border, partially due to a lack of economic opportunity at home. One of the poorest countries in the hemisphere based on per capita GDP, Honduras struggles to attract investment. A low-skilled labor force, endemic corruption, and unpredictable regulations in judiciary complicate Honduras' efforts to become an investment destination.

In addition to a 9 percent GDP contraction during the pandemic, two hurricanes hit the Sula Valley in November of 2020, destroying agricultural and manufacturing centers.

Our colleagues at U.S. Southern Command, Soto Cano Airbase, and USAID responded to address immediate survival needs. But food insecurity reached crisis levels in Honduras, prompting the embassy to declare emergencies in 2021 and 2022.

These hurricanes and an ongoing drought highlight the need for climate resilient infrastructure and industries. The U.S. Army Corps of Engineers conducted studies to help with recovery in the Sula Valley.

If confirmed, I look forward to advancing a U.S. Government wide approach to help Honduras during its reconstruction and economic recovery.

Honduras faces many challenges on human rights and gender-based violence, issues that appear in the pillars of the U.S. strategy to address the root causes of migration, and we have committed to helping Hondurans address these issues.

Prior to the COVID–19 pandemic, the two countries held a high-level Human Rights Working Group, which I look forward to resuming within the context of a new bilateral strategic dialogue that will launch in April.

We promote Taiwan as a valuable partner, and I will make clear the importance of a Honduras-Taiwan relationship and do all I can to enhance Honduras' partnerships with other democracies.

In conclusion, if confirmed, I look forward to leading our team of professionals at the U.S. Embassy in Tegucigalpa. My highest priorities will be to protect U.S. citizens and champion the interests of the United States in cooperation with our partners in Honduras.

Thank you very much for the opportunity to appear here today before you. If confirmed, I look forward to working very closely with this committee, and I am happy to answer your questions.

Thank you.

[The prepared statement of Ms. Dogu follows:]

PREPARED STATEMENT OF LAURA FARNSWORTH DOGU

Chairman Menendez, Ranking Member, distinguished members of the committee, it is an honor to appear before you today as President Biden's nominee to be the U.S. Ambassador to the Republic of Honduras. If confirmed, I look forward to working with you to advance our nation's interests as the U.S. Ambassador to Honduras alongside the country's first woman president in its 200-year history.

During a public service career that has taken me around the world, including to Nicaragua as Ambassador, I have leaned on my family for their support.

My late husband and I raised two sons who both serve our nation—one with two combat tours in Afghanistan with the 75th Ranger Regiment and the other on the front lines of our nation's defense with the 82nd Airborne Division.

The United States has a strong and multifaceted partnership with Honduras. As Assistant Secretary Nichols testified, "too many ordinary citizens in the region's democracies saw their governments failing to meet their expectations and aspirations for a better future. Corruption remained rampant. Economies grew but so did inequality. Crime and insecurity took too many lives and stymied the region's development." The citizens of Honduras confronted these challenges and demonstrated their belief in democracy by voting in historic numbers on November 28.

If confirmed, I will work with the U.S. Congress and interagency, the Honduran Government, international partners, civil society, and the private sector to promote a democratic Honduras with transparent institutions that fight corruption, narcotics trafficking, and organized crime to enhance security and address the root causes of migration, including through promoting human rights. I will work with those same diverse partners to reactivate the economy, enhance climate resilience, and respond to the COVID–19 pandemic using all available tools, including the new Strategic Dialogue.

The U.S. Government supports the new Honduran president's efforts to expand Honduran Government efforts to reduce corruption, including through internationally-supported mechanisms. If confirmed, I will prioritize U.S. cooperation on those efforts.

Through DOD, DEA, and State's INL programs, the Embassy works to improve Honduras' ability to interdict drugs and disrupt drug trafficking and other transnational criminal networks. Honduras seized 17.8 metric tons of cocaine in 2021, up from 3.4 metric tons in 2020. The new administration's focus on citizen security presents an opportunity to cooperate with the highest levels of government in Honduras on this issue.

Honduras works with the United States, including DHS, to address irregular migration. Its efforts have included expanded document checks and checkpoints, strengthened reintegration services for minors and families to deter recidivism, and acceptance of direct flights of migrants expelled from the United States under Title 42. Hondurans remain among the largest groups of Central Americans apprehended at the U.S. border, partially due to lack of economic opportunity at home.

The fourth poorest country in the hemisphere based on per capita GDP, Honduras struggles to attract investment. A low-skilled labor force, endemic corruption, and unpredictable regulations and judiciary complicate Honduras' efforts to become an investment destination. Poverty, corruption, and economic stagnation contribute to emigration. In addition to a 9 percent GDP contraction during the pandemic, two hurricanes hit the Sula Valley in November 2020, destroying agricultural and manufacturing centers. Our colleagues at U.S. Southern Command, Soto Cano Air Base, and USAID responded to address immediate survival needs. Food insecurity reached crisis levels in Honduras, prompting the U.S. embassy to declare emergencies in 2021 and 2022.

These hurricanes and an ongoing drought highlight the need for climate resilient infrastructure and industries. The U.S. Army Corps of Engineers conducted studies to help with recovery in the Sula Valley. If confirmed, I look forward to advancing a U.S. Government-wide approach to help Honduras during its reconstruction and economic recovery.

Honduras faces many challenges on human rights, an issue that appears in the pillars of the U.S. Strategy to Address the Root Causes of Migration, and we have committed to helping Hondurans address these issues. Prior to the COVID–19 pandemic, the State Department and Honduras held a high-level Bilateral Human Rights Working Group, which I look forward to resuming with the new government, if confirmed, within the context of the new Strategic Dialogue that will launch in April. U.S. embassy officials attend, when possible, human rights-related trials. Gender-based violence remains highly prevalent in Honduras. The latest U.N. femicide data show Honduras has the highest rate in Latin America with 6.2 per 100,000.

We promote Taiwan as a valuable partner. If confirmed, I will make clear the importance of the Honduras-Taiwan relationship and do all I can to enhance Honduras' partnerships with other democracies. We see an opportunity to align U.S. investment and development priorities with key democratic partners to help Honduras succeed.

In conclusion, if confirmed, I look forward to leading our Embassy in Tegucigalpa. My highest priorities will be to protect U.S. citizens and champion the interests of the United States in cooperation with our partners in Honduras.

Thank you for the opportunity to appear here today. If confirmed, I look forward to working closely with this committee. I'm happy to answer your questions.

The CHAIRMAN. Thank you very much, Ambassador.

Ms. Levine?

STATEMENT OF RANDI CHARNO LEVINE OF NEW YORK, NOMINATED TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PORTUGUESE REPUBLIC

Ms. LEVINE. Thank you, Chairman, Ranking Member, and distinguished members of the committee.

Thank you for the opportunity to appear before you today as President Biden's nominee to be the United States Ambassador to the Portuguese Republic.

I am deeply honored to be considered for this position and I am grateful to President Biden and Secretary Blinken for the confidence that they have placed in me.

I pledge to do my very best to represent our great country and to lead the U.S. Mission to one of our most reliable European partners.

Thanks to Senator Schumer for his gracious introduction. I remember getting a call from him in the car on the way to our son's Bar Mitzvah—he is 37 today—and he said, Ben, you are a lucky boy. Your parents have worked hard to get you here so make them proud. And indeed, our children have made us so proud.

Ben and his wife, Zoe, our daughter, Jessica, and her husband, Evan, our daughter, Dara, and her husband, Jonathan, and our most precious treasures watching today, our grandchildren, Eli and Orly.

My husband, Jeff, is with me here today. He has been my partner and my rock for more than 40 years. We are proof that the American dream is alive and well.

Jeff's parents, Irene and Irving, a cab driver, raised their four children in public housing in Brooklyn. My mother, Wendy, was an elementary school teacher and my father, Eddy Charno, owned a pharmacy in Greenpoint, Brooklyn, down the block from where his father, Joe, lived and worked when he emigrated here from Poland in the 1900s.

The Charno family has always believed in the importance of serving the community, and a street in Brooklyn was renamed Charno Way to commemorate this history.

My nomination as Ambassador follows our family's long-standing commitment to service and would bring them so much pride and joy.

My road to public service was paved by the arts. I am a passionate arts advocate and supporter of using cultural exchanges to advance diplomacy.

If confirmed, I will draw upon my extensive work at Smithsonian's National Portrait Gallery and the Meridian Center for Cultural Diplomacy to build partnerships that will advance American interests and enrich our bilateral relationship.

Portugal has been a strong U.S. partner for more than 200 years and was among the first countries to recognize U.S. independence. It is home to the longest continuously operating U.S. consulate at the Azores. Our partnership is built on shared values, a commitment to human rights, to democracy, and to the rule of law.

As a founding member of NATO, Portugal is an essential player in strengthening our transatlantic relationships and defending against malign influences in the region.

Portugal is also a notable partner in global defense. It deploys thousands of troops overseas each year to NATO, the EU, the U.N. and international peacekeeping efforts including the global coalition to defeat ISIS.

Portugal hosts, proudly, the U.S. Air Force's 65th airbase group at Lajes Field in the Azores, an important outpost for transatlantic peace and security.

And Portugal's collaboration with the Lusophone African countries offers the transatlantic alliance the opportunity to enhance regional security and promote prosperity in the South Atlantic.

If confirmed, Senators, I will have three priorities. My top priority will always be the safety and security of Americans in Portugal, including the outstanding personnel and family members of Embassy Lisbon and our consulate at the Azores. I will also work to enhance bilateral and regional security efforts.

Second, I will work to deepen our bilateral economic ties. Bilateral trade and goods between our two countries reached $4.6 billion in 2020. The United States is Portugal's largest trading partner outside of the EU. Portuguese investment in the United States is significant, particularly in tech and in renewable energy projects.

Third, I will collaborate with the Portuguese to address shared existential challenges, including fighting climate change and combating COVID–19. I will also work closely with Portugal to address any significant challenges that the People's Republic of China poses to our national security and to align efforts to deter Russia's destabilizing activities.

If confirmed, I look forward to working with you, this committee, to strengthen our partnership with Portugal and to advance U.S. interests.

Thank you for allowing me to testify, and I look forward to your questions.

[The prepared statement of Ms. Levine follows:]

PREPARED STATEMENT OF RANDI LEVINE

Chairman Menendez, Ranking Member, and distinguished members of the committee, thank you for the opportunity to appear before you today as President Biden's nominee to be the U.S. Ambassador to the Portuguese Republic.

I am deeply honored to be considered for this position. I am grateful to President Biden and Secretary Blinken for the confidence they have placed in me. If confirmed, I pledge to do my very best to serve our great country and to lead the U.S. Mission to one of our most reliable European partners.

Thank you, Senator Schumer, for your gracious introduction. I remember getting a call from you on our way to our son Ben's Bar Mitzvah years ago. You said: "Ben, you are a lucky boy! Your parents have worked hard to get you here, so make them proud."

Our children have indeed made us proud: Ben and his wife Zoe, our daughter Jessica and her husband Evan, our daughter Dara and her husband Jonathan, and our most precious treasures, our grandchildren Eli and Orly.

My husband, Jeff, is with me here today. He has been my partner and rock for more than 40 years. We are proof that the American dream is alive and well. Jeff's parents Irene and Irving, a cab driver, raised their four children in public housing in Brooklyn. My mother Wendy was an elementary school teacher and my father, Eddy Charno, owned a pharmacy in Greenpoint, Brooklyn down the block from where his father Joe lived and worked when he emigrated from Poland in the early 1900s.

The Charno family has always believed in the importance of serving the community. A street in Brooklyn was renamed Charno Way to commemorate this history. My nomination as Ambassador follows our family's longstanding commitment to service and would bring them so much pride and joy.

My road to public service was paved by the arts. I am a passionate arts advocate and supporter of using cultural exchanges to advance diplomacy. If confirmed, I will draw upon my extensive work at the Smithsonian's National Portrait Gallery and the Meridian Center for Cultural Diplomacy to build partnerships that will advance American interests and enrich our bilateral relationship.

Portugal has been a strong U.S. partner for more than 200 years and was among the first countries to recognize U.S. independence. It is home to the longest continu-

ously operating U.S. consulate in the Azores. Our partnership is built on shared values: a commitment to human rights, democracy, and the rule of law.

As a founding member of NATO, Portugal is an essential player in strengthening our transatlantic relationships and defending against malign influences in the region.

Portugal is also a notable partner in global defense. It deploys thousands of troops overseas each year to NATO, the EU, the U.N., and international peacekeeping efforts, including the Global Coalition to Defeat ISIS. Portugal hosts the U.S. Air Force's 65th Air Base Group at Lajes Field in the Azores, an important outpost for transatlantic peace and security.

Portugal's collaboration with the Lusophone African countries offers the transatlantic alliance an opportunity to enhance regional security and promote mutual prosperity in the South Atlantic.

If confirmed, I will have three priorities:

- My top priority will be the safety and security of Americans in Portugal, including the outstanding personnel and family members of Embassy Lisbon and our Consulate in the Azores. I will also work to enhance bilateral and regional security efforts.
- Second, I will work to deepen our bilateral economic ties. Bilateral trade in goods between our two countries reached $4.6 billion in 2020. The United States is Portugal's largest trading partner outside of the EU. Portuguese investment in the United States is significant, particularly in tech and renewable energy projects.
- Third, I will collaborate with the Portuguese to address shared existential challenges, including fighting climate change and combating COVID–19. I will also work closely with Portugal to address any significant challenges that the People's Republic of China poses to our national security and align efforts to deter Russia's destabilizing activities.

If confirmed, I look forward to working closely with this committee to strengthen our partnerships with Portugal and advance U.S. interests.

Thank you for the opportunity to testify today. I look forward to your questions.

The CHAIRMAN. Thank you.

Mr. Perry?

STATEMENT OF HON. N. NICKOLAS PERRY OF NEW YORK, NOMINATED TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO JAMAICA

Mr. PERRY. Mr. Chairman, Ranking Member, and distinguished members of the committee, thank you for the opportunity to testify before you today.

I am honored to appear before you as President Biden's nominee to serve as the United States Ambassador to Jamaica.

I would like to take this opportunity to thank Senate Majority Leader Schumer for his recommendation to the President, for his steadfast support, and for taking some time to introduce me today.

I also express my appreciation for the encouragement I have received from others in New York's congressional delegation.

I am grateful to appear before you today accompanied by my wife, Joyce, and my son, Nickolas Alexander. My daughter, Novalie, and granddaughter, Justine, are not here, but I am assured of their full support.

This continuation of my lifelong journey of public service is deeply personal to me. I was born and raised in Jamaica in a family of 11 children. After attending and graduating from secondary school, I worked for the Bustamante Industrial Trade Union briefly before moving to the United States in the summer of 1971.

My career in public service began soon after my arrival. I volunteered for the Selective Service, was drafted into the United States

Army, and served for two years of active duty, including a year-long deployment to South Korea and four years on reserve status before being honorably discharged.

I attended Brooklyn College on the GI Bill, graduating with a BA in political science, and later studied for a MA in public policy and administration.

After college, I got involved with community organizing, was appointed to a local community board, and eventually was elected to five consecutive terms as chairman of that board.

As committee board chair, I concurrently served five consecutive terms on the Brooklyn Bar board before being elected to the New York State Assembly in 1992. I have since served for nearly 30 years, and is currently the assistant speaker pro tempore.

I have dedicated my career in public service working across diverse communities to build consensus on issues of social importance.

If confirmed, I believe my experience and perspective as a state legislator for almost 30 years, complemented by my background as an American who was born and raised in Jamaica for the first 20 years of my life, could contribute positively to strengthening the United States partnership with Jamaica.

As the safety and security of Americans abroad is the State Department's top priority, if confirmed, I pledge to fulfill my responsibilities to safeguard the welfare of all U.S. citizens, including supporting the security of U.S. citizens living in or traveling to Jamaica.

I pledge to also coordinate closely with U.S. law enforcement agencies and Jamaican counterparts to address the threats posed by transnational criminal organizations, drug trafficking and human trafficking, including through the Caribbean Basin Security Initiative.

The United States is leading the world in the fight against COVID–19 by donating more vaccines than any other nation combined. Recognizing the severe impact of the pandemic on Jamaica, if confirmed, I will ensure we continue U.S. backing to address Jamaica's COVID–19 public health-related challenges and to help Jamaica recover from the economic impacts of the pandemic.

As the world looks to create an equitable clean energy future and millions of good paying jobs, if confirmed, I will also work to support innovative U.S. engagement with Jamaica in promoting renewable energy sources to help stabilize electricity cost, promote a reliable, resilient, and low-carbon power grid to assist the country's development.

Finally, if confirmed, I pledge to make myself available to this committee, its members, and staff to seek your advice and guidance where appropriate.

Mr. Chairman and Ranking Member, thank you for your time and consideration. I look forward to your questions.

[The prepared statement of Mr. Perry follows:]

PREPARED STATEMENT OF N. NICK PERRY

Chairman Menendez, Ranking Member, and distinguished members of the committee, Thank you for the opportunity to testify before this committee today. I am honored to appear before you as President Biden's nominee to serve as the United

States Ambassador to Jamaica. I would like to take this opportunity to thank Senate Majority Leader Schumer for his steadfast support and express my appreciation for the encouragement I have received from others within New York's Congressional delegation. I am grateful to appear before you today accompanied by my wife—Joyce; my children—Novalie and Nickolas Alexander; and my granddaughter—Justine.

This continuation of my lifelong journey of public service is deeply personal to me. I was born and raised in Jamaica in a family of eleven children. After attending and graduating from secondary school, I worked for the Bustamante Industrial Trade Union briefly before moving to the United States in the summer of 1971. My career in public service began soon after my arrival. I volunteered for the selective service, was drafted into the U.S. Army, and served for two years of active duty—including a yearlong deployment to South Korea—and four years on reserve status before being honorably discharged. I attended Brooklyn College on the G.I. Bill, graduating with a B.A. in Political Science, and later studied for an M.A. in Public Policy and Administration. After college, I got involved with community organizing, was appointed to the local Community Board, and eventually was elected to five consecutive terms as Chairman of that Board. As Community Board Chair, I concurrently served five consecutive terms on the

Brooklyn Borough Board before being elected to the New York State Assembly in 1992, where I have served for nearly 30 years and currently serve as the Assistant Speaker Pro Tempore.

I have dedicated my career in public service working across diverse communities to build consensus on issues of social importance. If confirmed, I believe my experience and perspective as a state legislator for almost 30 years, complemented by my background as an American who was born and raised in Jamaica for the first 20 years of my life, could contribute positively to strengthening the United States' partnership with Jamaica.

As the safety and security of Americans abroad is the State Department's top priority, if confirmed, I pledge to fulfill my responsibilities to safeguard the welfare of all U.S. citizens, including supporting the security of U.S. citizens living in or traveling to Jamaica. I pledge to also coordinate closely with U.S. law enforcement agencies and Jamaican counterparts to address the threats posed by transnational criminal organizations, drug trafficking, and human trafficking, including through the Caribbean Basin Security Initiative.

The United States is leading the world in the fight against COVID–19 by donating more vaccines than all other countries combined. Recognizing the severe impact of the pandemic on Jamaica, if confirmed, I will ensure we continue U.S. backing to address Jamaica's COVID–19 public health related challenges, and to help Jamaica recover from the economic impacts of the pandemic

As the world looks to create an equitable clean energy future and millions of goodpaying jobs, if confirmed, I will also work to support innovative U.S. engagement with Jamaica in promoting renewable energy sources to help stabilize electricity costs and promote a reliable, resilient, and low-carbon power grid to assist the country's development.

Recognizing Jamaica's vulnerability to the effects of the climate crisis, including extreme weather events like hurricanes, storms, and flooding, I commit to continue working with Jamaica to strengthen its preparedness for and resilience to such climate and severe weather impacts.

I understand Jamaica has one of the highest rates of HIV in the Caribbean. If confirmed, I will advance the President's Emergency Plan for AIDS Relief (PEPFAR) and work with government and civil society to support the timely diagnosis and treatment of persons living with HIV.

If confirmed, I will also work closely with the Jamaican Government to promote and protect fundamental freedoms and human rights, including for members of the LGBTQIA+ community and to combat gender-based violence, and to make tangible progress in fighting trafficking in persons.

Finally, if confirmed, I pledge to make myself available to this committee, its members, and staff to seek your advice and guidance where appropriate.

Mr. Chairman and Ranking Member, thank you for your time and your consideration. I look forward to your questions.

The CHAIRMAN. Thank you all very much for your statements.

Before I start a round a five-minute questions, I have questions that we ask on behalf of the committee as a whole, and it goes to each nominee and I would just simply ask you for a yes or no response.

These are questions that speak to the importance that this committee places on responsiveness by all officials in the executive branch and that we expect and will be seeking from you.

Do you agree to appear before this committee and make officials from your office available to the committee and designated staff when invited?

[All witnesses answer in the affirmative.]

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

[All witnesses answer in the affirmative.]

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

[All witnesses answer in the affirmative.]

The CHAIRMAN. And, finally, do you commit to promptly responding to requests for briefings and information requested by the committee and its designated staff?

[All witnesses answer in the affirmative.]

The CHAIRMAN. Thank you.

All of the nominees have responded yes to all the questions and shall be recorded. The chair will reserve his time and turn to Senator Rubio for his questions.

Senator RUBIO. Let us begin with the Envoy to Monitor and Combat Antisemitism. Let us just—as I think Senator Lankford pointed out in his letter, this is a position that we want to make sure is one that is represented as a nonpartisan one, that the world knows that America is united on this and it gives us the strength of our voice around the world, obviously, and I want to give you a chance to address it.

As you know, you have answered questions and have in the past addressed a series of social media posts and the like that referenced members of the Republican Party, members of the Senate, and the like and, clearly, as an American, you have the absolute right. We do not believe in canceling anybody. People have a right to speak out and express their views.

But I think you would understand how someone seeing that would then be concerned that a position that is supposed to be nonpartisan how could that be so if someone has expressed these views in recent history.

I wanted to give you an opportunity to sort of address to someone who is concerned about your ability to operate in a nonpartisan way how do we reconcile that with very strong opinions that you have expressed in the past about both individuals in the Senate and also the Republican Party, frankly?

Ms. LIPSTADT. Thank you for the question, Senator Rubio, and thank you for the chance to address that issue.

As I said in my opening statement, I am an equal opportunity critic of anyone who says something or people—it does not matter what end or even in the middle of the political spectrum they may place themselves.

I, firmly, believe that those people who only see antisemitism or any form of prejudice but, certainly, antisemitism, on the other side

of the political transom are not really interested in fighting antisemitism.

They are weaponizing antisemitism and there is no excuse for that at all. I have been critical and I acknowledge it. I have also learned not to tweet in the middle of the night. Very bad thing to do. And I have sometimes not been as nuanced in my tweets as I would like.

But I think if you look at my criticism holistically, you will see that I have been exceptionally critical of members of the Democratic Party, of people on the end of the spectrum—political spectrum—where I place myself.

I have written about Antifa, for instance, as a violent, anti-democratic, self-serving and dangerous entity. I have criticized specific members when I feel that they have said something that can be construed or is antisemitic.

Finally, the last two points. A person's political persuasions are irrelevant in the fight against antisemitism.

And the last point I want to make is when I am critical, I am not critical of the person themselves, particularly if I do not know the person or have had no contact with the person, but of what they said and how that might be interpreted.

Senator RUBIO. I wanted to ask about Amnesty International. Their recent report—I am sure you are very familiar with it at this point—I think it falsely—well, it does—it falsely frames Israel as a singular evil among the nations of the world.

Is that kind of language from an organization like that—could that be something that helps to justify and foster antisemitic attacks against Jews across the globe?

Ms. LIPSTADT. I found the language used in that report—I do not want to talk about the details of the report—but that kind of language I found it more than ahistorical. I found it unhistorical.

Branding Israel an apartheid state is more than historically inaccurate. I believe it is part of a larger effort to delegitimize the Jewish state.

Such language, I see it is spilling over onto campuses where it poisons the atmosphere, particularly, for Jewish students. You have to ask why people are using that kind of language. What are they trying to accomplish?

And I know that the Biden and Harris administration has taken a very strong position on this. In fact, last month, the State Department spokesman cited the department's vehement disagreement with that language, and probably our Ambassador to Israel, Tom Nides, said it best, albeit in a tweet. He said, "Come on. This is absurd." And I second that.

Senator RUBIO. I guess I will reserve my questions on Honduras if we go to a second round.

I just wanted to ask on the topic of Honduras, and, obviously, these countries are people that choose their leaders and they have a right to elect them.

But there is reason to be concerned, is there not, with both the statements recently made about this desire to, potentially, engage—abandon diplomatic recognition of Taiwan and switch it to Beijing?

I just want an assurance that would be a priority for us—for you, if confirmed to this post, that it would be—and it reflects the—I believe, the official position of the United States, that would be very forceful in making that a priority and in laying out the arguments for why we think that would be a bad idea.

Ms. DOGU. Senator Rubio——

Senator RUBIO. Your microphone. I am sorry.

Ms. DOGU [continuing]. Senator Rubio, since the elections there have been many high-level visits from Washington down to Honduras, and I know that everybody that has made that visit and spoken with the new government down there has stressed the importance of that relationship with Taiwan.

And as you heard me say in my opening statement, I, too, if confirmed, will uphold that strong position. I do believe it is very important for the Government of Honduras to continue their relationship with the Government of Taiwan.

I think it can be beneficial. Obviously, it has been in the past and I think it will continue to be so. I think there are opportunities to work together, especially in the economic space.

Obviously, the Government of Taiwan has succeeded in developing a strong economy in their own country, and I think there are lessons that can be learned and shared and investments that can be made and should be made in Honduras.

I do commit to you that I would continue to take that position and to work strongly to maintain that relationship with Taiwan if I am confirmed.

The CHAIRMAN. Senator Cardin?

Senator CARDIN. Thank you, Mr. Chairman, and thank you for convening this hearing.

I want to congratulate all four of our nominees and thank them for their willingness to serve our country, and also thank their families for recognizing that this is going to be a family commitment for the service that you all have been nominated for.

Ms. Lipstadt, I want to concur with Senator Rosen and Senator Schumer and thank you for your extraordinary service to date in fighting antisemitism. You are extremely well qualified and you are the right person at this moment when we see a rise globally of antisemitism, including here in the United States.

For over two decades, the U.S. Helsinki Commission, which I now have the honor to chair, has been raising the concerns about the rise of antisemitism. It was the work of the Helsinki Commission that led to the Berlin Conference that took place in 2005, in which we gathered together to plan a strategy to fight the rise of antisemitism.

And there was a good action plan that came out of the Berlin Conference which includes the responsibility of leaders to speak out about any form of antisemitism that occurs under their watch, sharing best practices, law enforcement training, sharing data information, particularly on hate crimes.

There were recommendations that came out of the Berlin Conference in 2004, and despite those recommendations, we now see a rise of antisemitism.

I am the Special Representative for Antisemitism, Racism, and Intolerance in the OSCE Parliamentary Assembly, and during the

2019 Parliamentary Assembly in Luxembourg we convened a separate section to deal with antisemitism and it was very well attended.

One of the recommendations that came out of that particular conference was the fact that we should not be tunnel visioned in our strategies that we need to form coalitions, because hate knows no religious or ethnic bound. Those that are going to be committing these types of hate crimes will target any marginalized group.

My question to you is, what new strategies can you bring, recognizing the challenges have been here for some time and in recent time has grown rather dramatically?

We all know that. When I used to visit Europe a couple—10, 15 years ago, I was surprised to see the level of security at Jewish institutions. Now I see that level plus here in the United States at Jewish institutions. All we have to do is take a look at the assessments we are getting for security in our synagogues.

My question to you is how do you see your role to recognize that we have met before, we have had strategies before, these strategies have been effective to a limited degree, and how do we form coalitions so that we recognize that antisemitism is based in hate, which also affects other groups of individuals?

Ms. LIPSTADT. Thank you, Senator. Thank you for your kind words.

I, too, have commented often on the fact that it used to be when we went to Europe you could identify the synagogue by the gendarmes and now that is the case in the United States, and I am particularly honored that one of my guests today is Anna Eisen Salton, the founding president of Congregation Beth Israel is Colleyville, Texas, the child of two survivors, and who watched with her 100-year-old mother on Facebook the recent assault on that synagogue.

I also am very pleased to be accompanied by Diane D'Costa, a graduate alum of the University of Virginia, who hid in her room as the marchers passed by that night in Charlottesville and then escaped in the dead of night and said it reminded her of her grandmother escaping from Poland.

All those things we relegated to history, all those things we relegated to Europe, are now here as well, even though my position, of course, is global antisemitism.

To your question in terms of what I would do—my goals—I think, on some level, the same—more of what has been done, more of the basis, the foundation, that you and your colleagues and your fellow senators have laid over the years.

But I am an educator, and I know when I go into a room with other—with representatives, whether it is of organizations, whether it is NGOs or it is government representatives, I want to make them understand, first of all, the pernicious nature of antisemitism, and one would think that after the Holocaust and after everything that has gone on you would not have to do that, that that would be bringing coals to Newcastle.

But, sadly, it is the fact. Many people who take other hatreds very seriously will sometimes, as a sop, say, and antisemitism. Whereas I say the Jew is often the canary in the coal mine. No de-

mocracy has ever been a healthy democracy if it abided antisemitism.

I look forward to partnerships, to educating, to stressing that though Jews may not present as other victims, antisemitism is a prejudice like other prejudices with its distinct characteristic. It has got to be addressed and it has got to be addressed wherever you find it.

I do not care if I agree with you on everything else you say. If you are engaging in antisemitism, I am going to call you out and I am going to address it. It cannot be a political weapon.

Senator CARDIN. Thank you for that.

Mr. Chairman, let me just point out the U.S. Holocaust Memorial Museum gives you a real tool in your toolkit to fight antisemitism.

But it is interesting that that organization is very much engaged in all forms of hatred against racial minorities and religious minorities because there is that common theme, and working in coalition we can present a stronger package to fight antisemitism.

Thank you, again, for your willingness to serve.

Ms. LIPSTADT. Thank you, Senator.

The CHAIRMAN. Thank you.

Senator Risch?

Senator RISCH. Mr. Chairman, I am going to yield to Senator Johnson. He has another appointment.

The CHAIRMAN. Senator Johnson?

Senator JOHNSON. Thank you, Mr. Chairman.

Ms. Lipstadt, I attended the inaugural address of President Biden. I completely agreed with his goal that he laid out, his number-one goal to unify and heal this nation. I would assume you would agree with that as well?

Ms. LIPSTADT. Absolutely.

Senator JOHNSON. A year later, do you think our nation is more unified? Are we healing?

Ms. LIPSTADT. I think not.

Senator JOHNSON. Okay.

Ms. LIPSTADT. I think there are deep divisions.

Senator JOHNSON. I agree with you on that. I think one way to try and heal our nation, try and unify it, is person to person. Are you familiar with something called the Joseph Project in Milwaukee, Wisconsin?

Ms. LIPSTADT. No, I am not.

Senator JOHNSON. I will take just a brief time to describe it. It is something I teamed up with a pastor in an inner city church, Pastor Jerome Smith, a wonderful man.

His congregation is, obviously, largely African American, but we have used this to connect people with real opportunity—you know, people of all races, all genders, people, some of them formerly incarcerated, some just down in their life—alcohol, drug abusers, that type of thing. People who want to turn their lives around by improving their attitude, committing to success, and we have literally transformed hundreds of lives. I wish it was thousands. I wish it was tens of thousands, but literally hundreds of lives.

Does that sound like a pretty good way to heal this nation, working with individuals on a person-to-person basis?

Ms. LIPSTADT. Absolutely. You can make broad policy pronouncements, but unless you have changed facts on the ground nothing is going to change.

Senator JOHNSON. Yeah. I agree. I think it has been very healing, certainly, for those individuals that participate in it.

A way not to heal, I think, is what is happening on social media. It was interesting to hear Senator Schumer talk about the malicious poison, and what is happening on social media so often is just malicious and it comes, as I think you said in your opening statement, from across the political spectrum. We need to all condemn it.

Let me ask you a question. If somebody came up to you privately, quietly, and said, you are racist—you are a white supremacist—you are white nationalist—by the way, I do not believe you are.

I would never assume that because, certainly, growing up when I was being taught the commandment that says do not bear false witness, my Lutheran Catechism says always put the best construction on things.

In other words, always assume the best about people, not the worst. How would you feel if somebody just privately called you are racist?

Ms. LIPSTADT. First of all, I would say they are wrong. Second of all, I would disagree with them and, as I said earlier but I want to reiterate, that even in my critiques of people I am very careful never to ascribe to the person.

Senator JOHNSON. I thought—I heard that. I thought that was interesting. You say you never criticize the person.

But that is not true. What you just testified there is false because not only did you go on—first of all, you do not know me. You do not know a lot of the people that you have accused online in front of millions of people.

You have engaged in the malicious poison. You have accused people you do not know of very vile things. I mean, would you not agree that probably calling somebody a racist is just shy—just under murderer and rapist, calling somebody a racist?

That is about as serious and vile accusation as you can hurl against somebody, somebody you do not even know. I mean, you have never talked to me. You have never met me. You do not know what is in my heart, do you?

Ms. LIPSTADT. I have no idea what—no, I do not know what is in your heart at all. I know what——

Senator JOHNSON. So why would you go on social media and make those charges? And not only me—and by the way, what Senator Rubio said, this position is supposed to be for a nonpartisan.

It seems like how you engage in malicious poison is purely partisan. You are hurling these charges against people that are, generally, one political persuasion. That is not nonpartisan.

But, again, why did you—why did you go on social media and level these vile and horrible charges against people, including me that you do not even know? You did not know anything about the Joseph Project. You do not know about my—what is in my heart. Why did you do it?

Ms. LIPSTADT. First of all, I do not think—as far as I can tell—and I am happy to have this conversation further or right here—call you personally—I do not call people personally——

Senator JOHNSON. No. I mean, we all know the tweet. It is right here.

Ms. LIPSTADT. Right. Right.

Senator JOHNSON. Okay. You said it is pure and simple—pure and simple—white supremacy, nationalism, and then you refer to articles——

Ms. LIPSTADT. Right.

Senator JOHNSON [continuing]. That continue the charge. Do you feel bad about that at all? I mean, do you——

Ms. LIPSTADT. I——

Senator JOHNSON [continuing]. Do you retract that? I mean, do you—I mean, what is your current position on this?

The CHAIRMAN. Can we allow the witness to answer your questions?

Ms. LIPSTADT [continuing]. As I said earlier, it was not nuanced. I would not do diplomacy by tweet. While I may disagree with what you said specifically, and I think that is a legitimate difference, I certainly did not mean it and I am sorry if it was taken and I am sorry if I made it in the way that it could be assumed to be a political—at the person personally.

Senator JOHNSON. Listen, I appreciate your apology and I will accept your apology. It is more than, for example, what the Chairman of this committee has done and other members who have also callously and cavalierly hurled those same charges that I would consider are malicious poison to our body politic today.

But, again, I appreciate the apology. But I think somebody that has had a 30-year professional career ought to know better, and when you are being nominated and considered for confirmation to a position of diplomacy representing these United States, I certainly cannot support your nomination. I hope my other colleagues will not either. You just, simply, are not qualified for it. But I wish you the best in life, and I do accept your apology.

The CHAIRMAN. Senator Van Hollen is next.

Senator VAN HOLLEN. Thank you, Mr. Chairman. Congratulations to all of you on your nominations.

Dr. Lipstadt, I did want to follow up on what Senator Rosen mentioned, Senator Cardin, I think, the Chairman, about what we all recognize is an alarming increase—rise in antisemitism both here at home and around the world.

Just recently here in the Washington, D.C., area we have seen swastikas drawn on the walls in Union Station and pamphlets spreading COVID–19 misinformation and antisemitic hatred in Silver Spring, Maryland.

Worldwide, we have seen a new phenomena of public figures comparing COVID–19 public health restrictions to the horrors of the Holocaust.

Can you talk about what your priorities would be, what your immediate strategy would be, if you were confirmed in this position to begin to address the challenge of antisemitism globally?

Ms. LIPSTADT. First of all, as I have said before and I said just now, to fight it wherever I find it, but also I think it is necessary

to help people—politicians, policymakers, media, whomever—understand what Jew hatred is.

We have seen in this country in recent weeks well-known people, prominent people, mangle an understanding of what is Jew hatred, and I think that is exceptionally important.

I also think it is important sometimes working with our partners bilaterally, countries who are partners on so many things, that sometimes what they might engage in would be a form of—might have antisemitic implications without their even realizing it.

I am—look, I have a broad-based agenda to work with other people and also to work with different elements in the State Department, whether it is the ambassador for religious freedom, whether it is the special envoy on Holocaust issues, whether it is the people on the various regional desks. There is a great deal of expertise there.

I think it is something that has to be stressed. This is not a joke and this is not a small group making a lot of noise and this is not special pleading. This is a serious issue. It is a serious issue even in and of itself. But it is also, as I said earlier, the canary in the coal mine. If you value democracy you got to hate antisemitism.

Senator VAN HOLLEN. And I want to underscore the point that you made with regard to the seriousness of it. As we have seen this alarming rise in antisemitism, we have also witnessed some who seek to politicize antisemitism by equating legitimate criticism of Israeli Government policies with antisemitism. You have said that it is, quote, "dangerous" because it diminishes real antisemitism.

Can you elaborate on the important distinction that you were drawing there?

Ms. LIPSTADT. Absolutely. Criticism of Israeli policy is not antisemitism. If you want to hear criticism of Israeli policies, I suggest you seat yourself down in a cafe in Tel Aviv or in Jerusalem, whatever part of the country, depending who is in the Government. It is the national sport in Israel, second only maybe to soccer and maybe more than that.

I do not think any rational-minded person would think that criticism of Israel—Israeli policies is antisemitism. I do think there are certain things that cross the line into antisemitism and criticism can often cross the line.

In the IRA definition—it is a working definition, I think it is an exceptionally useful tool as such—it gives examples and it illustrates different kinds of things, some of which—a number of which have to do with Israel. It says these may, but not necessarily are, antisemitic. A lot depends on the context.

I think it is very important to be nuanced there because it is sort of Chicken Little and the sky is falling. If you call everything antisemitism, when you have a real act of antisemitism people are not paying attention. But when you have a real act of antisemitism, irrespective of where it is coming from, you have got to call it out.

Senator VAN HOLLEN. Thank you, Dr. Lipstadt.

And I see my time is running short. I will submit questions for the other witnesses for the record.

Thank you all. Thank you, Mr. Chairman.

The CHAIRMAN. I understand that the only other person at this point is Senator Shaheen.

Senator SHAHEEN. Thank you very much, Mr. Chairman, and congratulations to each of our nominees, and thank you for your willingness to serve the country. I am actually going to begin with each of the ambassadorial nominees—Ms. Levine, Mr. Perry, and Ms. Dogu. Am I pronouncing your last name correctly?

Because I have been very concerned about anomalous health incidents, attacks by our embassy personnel around the world and—also known as Havana syndrome, and I want to ask each of you if you are familiar with that—I do not know whether to—I am not going to call it a disease, though I think there are health issues that result. But are you familiar with anomalous health incidents?

Ms. DOGU. Yes.

Ms. LEVINE. Yes.

Senator SHAHEEN. Yes? Mr. Perry?

Mr. PERRY. Yes.

Senator SHAHEEN. I want to ask you to commit, if confirmed, you will go to the ambassadorial seminar session that addresses AHIs and seek a classified briefing with the State Department so that should you have those attacks by your embassy personnel that you will be able to respond appropriately.

Ms. DOGU. Yes.

Ms. LEVINE. Yes.

Mr. PERRY. I will.

Senator SHAHEEN. Thank you all very much.

I would like to actually begin with you, Mr. Perry, and you, certainly, know firsthand the importance of the role that—the relationship between the United States and Jamaica.

One of the things that has been important in New Hampshire and so many other states have been the Jamaican workers who have come for a short period of time, often on H–2B visas, to work in various industries in New Hampshire—it is usually in the hospitality industry—who are very important to our workforce, and who then go home. They are able to send funds back to their families in Jamaica, and it is an important aspect of our workforce here and also in supporting families in the country.

Now, one of the important aspects of those H–2B visas is the role that the embassies play in ensuring that those interviews are held and that people can come to the United States.

I would ask you if you would commit to doing everything you can, if confirmed as ambassador, to ensure that those visa applicants are given due consideration and that that process works as smoothly as possible.

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

I do understand that the pandemic had impact on the efficiency of the services provided at the embassy in Kingston.

I do understand also that that is a very important program—the economic values to Jamaica and to our partnership—and I, certainly, commit to very strongly emphasizing and ensuring that our embassy takes actions in light of the improvements that we have been able to make with additional staff, I understand, to focus on addressing that particular visa situation because I know it is necessary and that it strengthens our partnership.

Senator SHAHEEN. Thank you very much. I really appreciate that, and any way that I or my office can be helpful in that process we, certainly, stand ready to do that.

Ambassador Dogu, I was in the Senate during the Obama administration when we saw a migration from Central America from—and Honduras was one of those three countries that had a very—tens of thousands of people migrating to come to the United States.

We saw a decline in that, I think, as the result of a number of factors, but now we are seeing it increase again. We have seen it increase again.

Can you speak to why you think we are seeing that cyclical increase and what policies we should be pursuing to help Hondurans be able to see a brighter future in their own country?

Ms. DOGU. Yes, Senator. Thank you for that very important question.

Obviously, there has been a historical large flow of migration from Honduras and it is something that the U.S. Government has worked over a long period of time to try and address.

There have been sort of some periods with more investments and periods with less investment into Honduras. I think it is very important that it be consistent.

Clearly, the people are leaving the country—when you talk to them—for very fundamental reasons. They do not feel safe in their own country and they do not feel like they can find jobs to support their families.

Clearly, I think, as the U.S. Ambassador my role would be to support the new Government of Honduras' efforts to address these sorts of challenges. This is also a negative, in a sense, for the country. It is a brain drain as their young people flow north to the United States.

I think that we need to continue with our programs to focus on security. As I mentioned in my statement, I think it is also very important to focus on helping rebuild the economy.

They have really taken a large hit due to the pandemic and they have taken a large hit due to two very large hurricanes that went through there and, unfortunately, damaged some very critical parts of their country economically for them.

I think that being consistent and focusing, and now we have a new government, a new partner in Honduras. I think there are opportunities to really expand our efforts there, and I look forward to working with the team that is already on the ground in Honduras to do so, should I be confirmed.

Senator SHAHEEN. Thank you very much.

Thank you, Mr. Chairman. My time is over.

The CHAIRMAN. Thank you.

Senator Portman?

Senator PORTMAN. Thank you, Mr. Chairman. I appreciate the hearing today and I appreciate just hearing about some improvements in Central America, which is always good news, given the impact it has on the people of those countries but also on our current situation with regard to illegal migration.

You are going to have your hands full, and it is really important that we do all we can to deal with the push factors in those countries.

My question, Mr. Chairman, is to Dr. Lipstadt.

You are about to fill a really important position, and with your background I think you will fill it well. I have had a number of constituents actually reach out on your behalf who have worked with you, and as the ranking member of the Homeland Security Committee, we have continued to advocate for something, I think, you are aware of, which is called the Nonprofit Security Grant Program.

This is a critical source of funding for houses of worship, other nonprofits. It has been used primarily in the Jewish community as synagogues, community centers, schools, face increasing threats of antisemitism and other hate crimes, growing threats of violence. We just saw this recently with regard to the kidnapping in Texas.

As we continue to help protect targets of antisemitic violence, we have got to also combat the root causes, of course. How do you propose we address the root causes of antisemitism?

Ms. LIPSTADT. Thank you very much. I am well aware of that program. I have benefited from it in my own synagogue and other synagogues.

I was just talking to Ms. Eisen, who is here from Colleyville, Texas, and she was telling me when—that the synagogue needs a lot of repair after what happened. And I said, how do you pay for that, and she says, well, what insurance does not pay the Government is helping us with. I do not know if it is through this specific program, but I was glad to hear that.

But back to the bigger issue of the root causes, antisemitism has the moniker of being the oldest or the longest hatred. It has been around for a very long time, and though I do not surprise easily, given my field of study, it is sometimes surprising that, as I said in my opening statement, but less than eight decades after the Holocaust that we should be facing antisemitism, many people predicted after the Holocaust that that was the end of antisemitism, and we are surprised, or as the British would say, gobsmacked, to the degree to which it is not.

I plan to become a thorn in the side of those who engage in antisemitism. There are those who are violent anti-Semites. We saw that in Texas. We saw that in the streets, as Senator Schumer said earlier, like Williamsburg. We saw that in Charlottesville. We saw that in Halle, Germany, and so many places throughout Europe.

But there are also the polite anti-Semites, the people who say things but it is just, I am just saying it, or do not think about the implications of what they say. I think all those people have to be called out.

And then governments have to be told that this is something we take very seriously and we will work with you on it. We will work with you on it. This is not a way of the Senate or the United States making a small group of Jews feel comfortable or feel happy.

But this is—we see this as a danger to the founding ideals of this republic. We see this as a sign of what could be, and we recognize and most of all, Senator, no genocide, no attack, begins with the attack, whether you are talking about a genocide in Europe, whether you are talking about a genocide in Rwanda, wherever you are.

It starts with words, and as some of your colleagues have mentioned, the Holocaust Museum—just go down the block, and you can see how it starts with words and then it escalates.

That does not mean it is always going to escalate to a holocaust. But if you are going to stop something, you stop it when—well before it is of that degree.

I plan to be as energetic as possible in fighting this. I never thought I would be in this position. But if I have the honor of being confirmed, I want to make a difference in that regard.

Senator PORTMAN. Great. Again, given your background, you are well qualified to take on that task, including the international task, and we want to work with you on that.

The Nonprofit Security Grant Program did provide the synagogue in Texas with hardening, as I understand it, including cameras, which were very helpful with regard to the hostage taking, but also training.

And one thing we have found out is that although these grant programs have been effectively used in some areas of the country, other folks do not know about it—the Sikh community, the Muslim community, the Jewish community, the Christian community. It is it is available, broadly, for these kinds of threats.

We have introduced new legislation called the Pray Safe Act, which is to provide houses of worship at one centralized place where you can find out what the best practices are, find out what training is available.

This is with Senator Shaheen and Hassan, and my sense is that following the incident in Colleyville, Texas, this is more important than ever to let people know what is available to them. Have you looked at that Pray Safe Act?

Ms. LIPSTADT. I have looked at it. I have not studied it in depth because my remit, of course, if confirmed, will be abroad.

But the division between domestic and international antisemitism is getting murkier. The terrorists, the kidnapper, the would-be murderer in Colleyville, was radicalized abroad and then he came here to do his handiwork. The divisions we used to draw are not as clear.

Clearly, my remit in the State Department is abroad. But you cannot—the hard lines, especially with social media, for better or for worse, it is harder to draw those lines.

My synagogue has benefited from this program and I have to tell you, speaking personally just for a second, I sat in synagogue about—I guess it was before COVID but about two years ago, where the rabbi and the members of the synagogue who were taking charge of this handed out pieces of paper showing us what door to exit, God forbid, there was something and telling parents—all parents but especially Jewish parents—do not go for your children. Your children will be brought to safety. A lot of good that is going to do, but go out—how to go out, where to rendezvous.

I have that piece of paper sitting on my desk. It is a reminder that it has come to me in Atlanta just as it has been coming to so many places in the rest of the world—Paris, Berlin, Halle, Belgium. Too many places today.

Senator PORTMAN. Pittsburgh Tree of Life.

Ms. LIPSTADT. Absolutely, where the rabbi got training before and, of course, the people at Colleyville talked about the training and that would save their life.

Senator PORTMAN. And can save lives. As you say, this terrorist—and my time is expired. But just one sentence on that because this committee gets involved in these issues.

He came here on a visa from a country where we have a relationship where it is easy to have access to United States through visa programs. And, yet, the reports are that he had told the U.K. police and others that he wanted to—well, reports are that he had said that he wanted to kill Jews, and that this was reported to the U.K. police last year—these antisemitic threats—and yet the visa waiver program was available to him.

We have got to tighten up the visa waiver program from countries, even our great allies like the U.K., to be sure we are not allowing these terrorists in when we have information.

Thank you.

The CHAIRMAN. Thank you.

Senator Kaine?

Senator KAINE. Exquisite timing, Mr. Chair. Impeccable.

I am very interested in asking questions about Honduras, where I lived in 1980 and '81, and I appreciate, Ambassador, you being here and your being poised for that position. I am sorry that I have been at other hearings and have not heard questions that you have already been asked.

But the tragedy of Honduras is—I lived there when it was a military dictatorship and things were awful. I knew people who were oppressed by the military. I knew some people who were killed by the military.

It is worse now. You think the move from a dictatorship to a democracy, just like magic, makes things better. I do not think that is the case, and I did not think I would ever say that.

But in recent years, becoming murder capital of the world, the control of narco traffickers, the deep, deep corruption by the past government especially but they were not unique in that, has created situations that are just so grim for Hondurans trying to live everyday life.

Some of the challenges they face are directly related to our pain. If the U.S. did not have such a tremendous hunger for illegal drugs and we are willing to send cash south to pull drugs north, many of the communities in Honduras—many the neighborhoods in Honduras and other countries would be a lot safer and more secure than they are. And so their pain is connected to our pain in ways that we have to own and try to be creative in solving.

Talk a little bit about the opportunities that the U.S. has with a new government in place. President Castro was inaugurated recently, a somewhat controversial election but, thank goodness, an election that compared to previous elections was widely viewed to be fair. It was called relatively quickly. There was a concession.

I know right around the time of the inauguration there was sort of a skirmish on the legislative front. We are used to that, too—skirmishes between an executive and the legislative branch.

But putting the past administration and Honduras in the rearview mirror with its corruption, its abandonment of anti-corruption

and anti-transparency initiatives, its connection to drug trafficking in the United States, what would your intention be, should you be confirmed, in terms of trying to start a new chapter in the relationship that would be positive for the United States and positive for Honduras?

Ms. DOGU. Senator, thank you very much, not only for those remarks but for your long-term interest in Honduras and the importance of the U.S.-Honduran relationship. I agree with you completely on all of that.

I think that we do have a unique opportunity here. I mean, there is a new president. She was inaugurated just recently. She won in a very strong turnout by the population of Honduras.

She really comes into office representing the yearning desire for democracy and anti-corruption programs and for freedoms and security by the people of Honduras, and that is really powerful, I think, for an elected leader to arrive in that position.

And I know that the United States Government—obviously, I am not involved in this yet, since I am pending confirmation and I am waiting for the Senate to decide if that is a good choice or not.

But there have been many senior officials, including recently the vice president, who traveled to Honduras to meet with her, and I think that there are a lot of areas that we have in common that we can work together, things that she wants to do to make things better in Honduras and things that we have recognized that are good for Honduras and are also good for the United States.

Obviously, we need to continue to help them address the security challenges that they have faced. Things are not good but things have been worse in that regard. Some of those violent numbers have come down. In some of the areas that we have invested in, we have seen some significant improvement there.

Clearly, they face strong economic challenges. There have been hurricanes that have destroyed the key parts of the country, in addition to just the normal pandemic challenges, and then historical challenges.

It is very important to work with them to do things like opening up their regulations to make it a better place for outside investors to come in.

Previously, Senator Rubio was talking about the possibility of nearshoring production. I think there is tremendous opportunity in all of that.

But it really is going to be up to both the president and her new team and the new congress to be able to get themselves organized and working together as a team to pass the legislation that is going to be needed to stabilize and open up the markets there.

And then the judiciary is going to play a key part, because if businesses do not feel confident in the fact that they can invest and that there is rule of law, they are still going to be reluctant to do that, even with the best of regulations.

I have a broad agenda in front of me, if I am lucky enough to be confirmed. I look forward to confronting those challenges. The team on the ground down there has been doing a great job already and I would just be a new part of this very strong team.

Senator KAINE. Thank you, Ambassador Dogu.

One final point, Mr. Chair, quickly. I would hope you work together with our Vice President's office and others in the Administration at this root causes analysis and you look at economic opportunities.

I sometimes think when we approach a problem like that we look at what company can we get to make a commitment to invest in Honduras, and that is hard to get a commitment from a company that is not already there.

I would really focus on the American companies that are already there. There is a quarter of a million textile workers in the Northern Triangle who work for American companies, usually using U.S. cotton to then make clothing. There is retail—American retail companies.

I would really listen to those who are already there and ask what could we do that would make you hire more people, that would make you expand. I think that that is usually a higher likely play than trying to get somebody new to come in who has never been there and does not really know the culture and the people.

Thank you, Mr. Chair.

The CHAIRMAN. Thank you, Senator Kaine.

The chair will recognize himself.

I would have left this untouched but the record cannot stand as it is. Senator Johnson called out the chair, saying that I have not apologized for the speech I made on the Senate floor, and I will not apologize for the speech I made on the Senate floor.

If we cannot call out comments for what they are, if we do not understand that words have power to them, sometimes very negative powerful consequences, then we can never challenge, whether it be antisemitism or racism or other elements.

My speech and the comments I made—and I think the comments that Dr. Lipstadt referenced to were about the comments, not about the person—and in that regard, when you say that you describe those who stormed the Capitol on January 6 as people who, quote, "truly respect law enforcement and love this country" but would worry if the mob had been Black Lives Matter protesters, I think that is deeply, deeply problematic.

I will ask unanimous consent to include my speech of that day in the record for context.

[The information referred to follows:]

Floor Remarks of Senator Robert Menendez, March 16, 2021

Congressional Record Vol. 167, No. 49

Mr. MENENDEZ. Mr. President, I take no pleasure in coming to the floor today. We in the Senate take pride in our decorum and our sense of comity with each other, so much so that we often twist ourselves into pretzels to avoid saying anything that might be interpreted as a criticism of another Senator. Yet there comes a time when these verbal gymnastics simply won't do. You are either going to speak the truth or fail to do justice to the values you hold dear.

What one of our colleagues said last week about the events of January 6 was felt by many to be racist and hurtful—a stain on the office he is so fortunate to hold.

Look, I get that no one likes to be called racist, but sometimes there is just no other way to describe the use of bigoted tropes that for generations have threatened Black lives by stoking White fear of African Americans and Black men in particular.

On a radio show, our colleague explained that he never feared for his safety during the January 6 insurrection of the U.S. Capitol. But make no mistake, under different circumstances, he would have been afraid.

He said:

> *Now, had the tables been turned—now, Joe, this will get me in trouble—had the tables been turned and President Trump won the election and those were tens of thousands of Black Lives Matter and antifa protesters, I might have been a little concerned.*

Is that not racism?

I don't think the Senator is ignorant of the fact that for centuries in this country, White supremacy has thrived on using fear to justify oppression, discrimination, and violence against people of color. I do, however, think my colleague may be ignorant of the pain caused by his comments and unaware of how they compound the trauma that so many still feel in the wake of the events of January 6.

Because I do not think I can do justice to that pain, I want to share with you an email I received this weekend. It is from one of the most devoted public servants I have ever had the pleasure of working with, an African-American member of my staff. His name is Keith Roachford. He has devoted nearly three and one-half decades to serving the people of New Jersey in Congress and his community as a faithful churchgoer and Boy Scout leader.

It reads:

> *Senator,*
>
> *I would not normally send you an email like this but I am at a loss of how to express the outrage and hurt I am feeling from the comments made by Senator Johnson that he would have been more afraid on January 6th if the insurrectionists would have been from Black Lives Matter.*
>
> *I am blessed to be on your staff and have had the opportunity to serve as a staff member in the NJ delegation for 34 years, but this is the most painful thing I have ever heard being said by a U.S. Senator.*
>
> *I could not imagine that the horrible and painful events from [January] 6th could be replicated in a statement from a sitting member of the Senate.*
>
> *However, Johnson's comment is worse than the image of the insurrectionists walking through the Capitol building with the confederate flag.*
>
> *He is perpetrating the racist trope that the country should fear black people.*
>
> *I have experienced what it is like to have a taxi cab pass you by in order to pick up white passengers who are further down the block of where you are standing.*
>
> *Nothing can describe the feeling when you have entered a store and having store clerks watch your every step while shopping.*
>
> *Sandy—*

That is his wife—

> *and I have had the conversations with our sons when they were young about how to enter a store; not look suspicious; keep your hands out of your pockets until you make your purchase; or how to respond and talk to police officers in any interaction.*
>
> *I have had the difficult conversation of explaining to a young black scouter in our scout troop why a white campground store clerk accused him of not paying for an item because he was black.*
>
> *[This] type of hate speech is [not] new. The hardest part of what he said is that in 2021, a United States Senator would so freely express this type of hate out loud.*
>
> *I am so grateful for our officers who endured so many injuries on [January] 6th, and I pray that they will recover physically and mentally.*
>
> *They are going through so much right now, I feel guilty that my email to you might sound shallow because of the pain they are trying to overcome.*
>
> *I understand that the Senate works best when both sides can find common ground, but how do [you] really reach common ground when [such views can be held]?*
>
> *Again, I am sorry for reaching out late on Saturday evening, but I needed to share this with you.*
>
> *Keith.*

To read these pained words both broke my heart and boiled my blood. Thousands of people of color serve in the U.S. Capitol workforce. They are legislative staffers like Keith and Capitol Police officers and maintenance workers, cafeteria staff, and

so much more. I should not have to stand here and remind anyone that many of them feared for their lives on January 6. But not Senator Johnson. He felt no fear. He wasn't afraid because, and I quote:

> *I knew those are people that love this country, that truly respect law enforcement, would never do anything to break the law, so I wasn't concerned.*

People who love this country do not desecrate our most sacred democratic institutions and display symbols of racial hatred like the Confederate flag in the halls of Congress. People who respect law enforcement do not assault Capitol Police officers, beat them within inches of death, and hurl ugly epithets at officers of color. And people who would never do anything to break the law would not try to overturn the rule of law, plot to kill elected officials, and stop the peaceful transfer of power as instructed by the Constitution of the United States.

Now, I know what some rightwing media pundits and some of my Republican colleagues will say. They say it every time they are asked to accept some responsibility for perpetuating the lies told by President Trump that inspired the violent events of January 6.

They say: What about Black Lives Matter?

They say: Well, what about it?

Well, I say: Well, what about it?

The violent picture they paint of this movement could not be more divorced from reality. At this point, several reputable studies have confirmed that the protests launched in the wake of George Floyd's chilling murder were overwhelmingly peaceful. I repeat: The Black Lives Matter movement is overwhelmingly peaceful. I know many people don't care about facts these days, but it is the truth.

One study out of Harvard University analyzed 7,305 Black Lives Matter protests. The conclusion? Allow me to quote Professor Erica Chenoweth.

She said:

> *Only 3.7 percent of the protests involved property damage or [some form of] vandalism. Some portion of these involved neither police nor protesters, but people engaging in vandalism or looting alongside the protests. In short, our data suggest that 96.3 percent of events involved no property damage or police injuries, and in 97.7 percent of events, no injuries were reported among participants, bystanders or police.*

Likewise, the Armed Conflict Location & Event Data Project—an organization I might add is partially funded by the U.S. Department of State's Bureau of Conflict and Stabilization Operations—examined 7,750 different Black Lives Matter demonstrations across the Nation last summer. They found just 3 percent of those protests associated with any violence or property destruction whatsoever. They also concluded that police departments "disproportionately used force while intervening in demonstrations associated with the [Black Lives Matter] movement relative to other types of demonstrations."

Indeed, on January 6, as we waited for hours for backup from the National Guard and other law enforcement agencies to come to the aid of Congress, I know that I am not the only one who could not help but think of the violent, government-sanctioned crackdowns that met Black Lives Matter protesters last summer.

The bottom line is that these lies casting Black Lives Matter as violent have already done real damage. They have convinced millions of Americans that they should fear those who march under the banner of this movement for justice, when really it is the resurgence of violent White supremacy that should be Americans' real cause for alarm.

Indeed, last October, the Department of Homeland Security issued a report confirming that White supremacists pose the most lethal domestic terror threat to the American people. Research from the Center for Strategic and International Studies finds that White supremacists and their sympathizers carried out two-thirds of terrorist plots and attacks in 2020.

In the weeks since January 6, we have learned that far-right extremist groups that regularly preach White supremacy, such as the Oath Keepers and the Proud Boys, played a major role in plotting and executing the attack on the U.S. Capitol.

Every Member of this body owes their life to the sacrifices made that afternoon by Capitol Police officers, including officers of color. At least 100 officers were physically injured in the January 6 attack. One officer, a veteran and fellow New Jerseyan named Brian Sicknick, later succumbed to the injuries he sustained. Two others subsequently committed suicide. Hundreds of officers now carry with them invisible scars from the trauma they endured that day—scars that may not fade for years or even decades.

For one of our colleagues to cast those who attacked the Capitol as harmless patriots while stroking fear of Black Americans is like rubbing salt in an open wound.

Everybody in this body should know that when you perpetuate such racist tropes, you contribute to a culture that gives people permission to treat Black Americans as suspicious and their lives as expendable. We in the Senate are supposed to hold ourselves to a higher standard. We are supposed to advance America's long march toward a more perfect Union, not coddle and cater to those who would take us backwards, and we are supposed to stand up for the truth. That is what brought me to the floor today.

I hope Members of this body on both sides of the aisle will join me in making sure that we do not debase the institution and the people we are called to serve—all the people—for whom so much pain has existed for years and exists still today.

With that, I yield the floor.

The CHAIRMAN. I think it is also—without objection—I think it is also worth pointing out that the rioters on that day, literally, wore and bore Nazi symbolism, including t-shirts that said, 6MWE, which stands for 6 million—those who perished in the Holocaust—was not enough, and a t-shirt saying Camp Auschwitz on one side and on the other side of that t-shirt Staff, as well as Confederate flags and nooses.

Maybe the Senator was not afraid for his life but every Jewish person in the Capitol, certainly, had a reason to be concerned for their lives. It is in that context that I made my remarks, and let me close on this.

I have a record replete of nominees under the previous administration who made incredibly outrageous statements, and yet in each and every context they were confirmed, and some of them really did not have the background to be confirmed for the positions they were confirmed to.

In this case, we have a nominee that is impeccable in terms of their knowledge of the subject matter, probably not just the U.S. but a global expert and scholar on the question of antisemitism.

I think if you cannot call out an antisemitic trope or prejudice, how in God's name are you going to do this job? Your proven history of fighting against antisemitism here in the United States and around the world, I think, makes you uniquely qualified for this position.

I just want to ask you two questions, Dr. Lipstadt. If confirmed, will you continue to call out all incidents of antisemitism, regardless of where these prejudices emanate from in the global community?

Ms. LIPSTADT. Absolutely, because after I stop this position I still have to live with myself.

The CHAIRMAN. And regarding responsibilities, do you understand the difference between making comments as a private citizen versus as a public servant?

Ms. LIPSTADT. Absolutely, and I have learned a lot and already have begun an education with would-be colleagues at the State Department. That may be the hardest part of this task. But yes, I understand the difference.

The CHAIRMAN. And do you commit to abide by the State Department rules for social media comments that you make in your official capacity, guidance that was, I would note, routinely ignored and flouted by the last administration?

Ms. LIPSTADT. A hundred and ten percent.

The CHAIRMAN. All right.

With that, I have questions for the record for the other nominees. I do not want you to think you are not the object of my affection. But you are all going to serve in important positions and I look forward to your responses as it relates to those questions and the questions of other members of the committee. They will be open to the close of business tomorrow, Wednesday.

I would urge members who have questions for the record to submit them. I would also urge the nominees to give significant responses to those questions so that we can consider your nominations before a business committee.

And with the thanks of the committee, this hearing is adjourned.

[Whereupon, at 11:43 a.m., the hearing was adjourned.]

Additional Material Submitted for the Record

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO DR. DEBORAH E. LIPSTADT BY SENATOR JAMES E. RISCH

Question. If confirmed, what is your main priority as Ambassador-at-Large?

Answer. If confirmed, my main priority would be to fight Jew-hatred wherever it exists globally, irrespective of where it comes from. I believe we should condemn and counter antisemitism wherever and whenever it occurs, both online and offline, whether as hate speech, Holocaust distortion and denial, or in other forms. We should also counter antisemitism by promoting tolerance and inclusion, including through education. We need to work with our international partners to ensure the security of their Jewish communities, resources and training for law enforcement personnel to address hate crimes and, ideally, the establishment of national coordinators for combating antisemitism.

We also need to reinforce efforts to foster a common understanding of the challenge. If confirmed, I would try to help our interlocutors understand what Jew hatred is, what it is not, and why it is so pernicious. One of the ways we can do that is by encouraging other countries and international bodies to embrace and apply the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism, inclusive of its examples, which is an exceptionally useful diagnostic tool.

Question. If confirmed, how do you plan to engage with partners and allies on combatting antisemitism globally?

Answer. If confirmed, I intend to forge coalitions with other governments, international bodies, civil society organizations, and the private sector to work across diverse communities and among faiths to combat antisemitism globally. If confirmed, I will work closely with other special envoys and coordinators combating antisemitism and our partners and allies in multilateral fora such as the OSCE, EU, and the U.N.

If confirmed, in addition to working closely with partners in Europe, the Western Hemisphere, and around the world, I would also look forward to exploring opportunities for engagement with U.S. allies and partners in the Middle East. The Abraham Accords have helped build momentum for exciting initiatives relating to interfaith dialogue and combating ignorance, intolerance, and hate, including antisemitism.

Question. How will you de-conflict your work with the Ambassador-at-Large for religious freedom?

Answer. If confirmed, I intend to work closely and seamlessly with the Ambassador-at-Large (AAL) for International Religious Freedom and his team to advance the fight against antisemitism and other forms of religious discrimination around the world. I recognize that my partnership with the AAL and his team will be vital as we work with our embassies and consulates to monitor and combat antisemitism.

If confirmed, I intend to have regular meetings with the AAL and to encourage my staff to consult often with the experts in the Office of International Religious Freedom, as I understand they already do. The issues we would collectively address

are interconnected and require collaboration to optimize coalition building and engagement. One example of a religious freedom issue on which I would work closely with the AAL concerns proposed or enacted limitations on religious practices of animal slaughter and non-medical circumcision, which can directly affect the viability of Jewish, Muslim, and other religious communities.

Question. If confirmed, how will you de-conflict but provide specialized assistance to the Bureau of Democracy, Human Rights, and Labor?

Answer. If confirmed, I intend to work closely and collaboratively with the Assistant Secretary of State for Democracy, Human Rights, and Labor (DRL) and the DRL team to advance the fight against antisemitism around the world. I recognize that my partnership with DRL will be vital as we work through our embassies and consulates to monitor and address antisemitism and other issues of human rights concern. If confirmed, I intend to have regular meetings with DRL leaders and experts and to encourage my staff to consult often with DRL experts, as I understand they already do.

Question. Please describe how your office, if confirmed, will contribute to the efforts of the office for International Religious Freedom to produce annual country reports on religious freedom. Do you believe there should be annual country reports on antisemitism and efforts to combat antisemitism? If so, why? If not, why?

Answer. I understand that the Office of the Special Envoy to Monitor and Combat Antisemitism works closely and collaboratively with the Office of International Religious Freedom and has important input into the International Religious Freedom Report, as well as the Country Reports on Human Rights Practices, which both address antisemitism as a significant issue.

If confirmed, my office will continue to provide invaluable input into those reports, as is statutorily required by the Global Antisemitism Review Act of 2004, which would not necessitate the creation of another reporting process to which the Department and U.S. embassies and consulates the world over would have to direct additional resources. That said, I commit to consult with the committee on best approaches to combat antisemitism.

Question. If confirmed, how will you work with the Special Envoy for Holocaust Issues (SEHI) on the continuing desecration of Jewish cemeteries in Europe?

Answer. If confirmed, I intend to work closely and collaboratively with the Special Envoy for Holocaust Issues (SEHI) on issues of mutual concern including the continuing desecration of Jewish cemeteries in Europe. I understand that the Office of the Special Envoy to Monitor and Combat Antisemitism works closely with SEHI on areas where Holocaust issues and antisemitism overlap, such as historical distortion, Holocaust denial, and rehabilitation of controversial wartime figures. I understand that SEHI also advocates for the preservation of Jewish cultural history in Europe, including cemeteries.

If confirmed, I will coordinate closely with SEHI and the U.S. Commission for the Preservation of America's Heritage Abroad on these issues and condemn desecration of Jewish cemeteries in Europe.

Question. It has recently been suggested to us that the Government of Lithuania may look to resolve the dispute over the Snipsikes Cemetery in Vilnius by converting the Palace of Concerts and Sports into a Holocaust Museum. How do you believe the Jewish communities in the U.S., Europe, and elsewhere, will respond to this proposal?

Answer. I understand that the Biden administration's policy is that any action taken with respect to Jewish heritage sites should include government consultations with Jewish groups and other community stakeholders to ensure that sites are treated with the proper respect and consideration of their historic importance. If confirmed, I will reach out to Jewish communities to ensure their views are heard.

Question. Do you believe that this proposal is an acceptable and sensitive solution to this issue?

Answer. I understand that the Administration has not yet seen a formal proposal from the Government of Lithuania for this site. As a result, the Administration cannot comment on whether it is an appropriate solution. If confirmed, I will engage with appropriate officials with the goal of obtaining an acceptable and sensitive solution.

Question. If, as many suspect, Russia invades Ukraine in the coming weeks, many unfortunate issues may arise that find themselves in your purview. The President of Ukraine, Volodymyr Zelensky, and some other prominent defenders of Ukrainian sovereignty (like oligarch and former governor of Dnipro region, Igor Kolomoisky)

are Jewish. Do you have any concern that their origins may precipitate violence specifically against the Jews of Ukraine, or Jewish institutions?

Answer. I understand the Administration is deeply concerned about all aspects of Russia further invading Ukraine, which would have dire humanitarian and human rights implications. That is why deterrence efforts are so critical, and why the Administration continues to urge Russia to choose dialogue and de-escalation. I understand the Administration is in close contact with members of the Jewish community in Ukraine and associated Jewish groups in the United States and is continuing to monitor the situation as events develop. At this point, I am not aware of any particular threats to the Jewish community beyond those posed to the Ukrainian population in general if Russia were to invade.

Question. Ukraine holds many sites that are both religiously and historically important to Jewish communities in Ukraine and around the world. What do you believe can or should be done by the U.S. and its allies to protect those sites in the event of military action in Ukraine?

Answer. Destruction of cultural property during armed conflict is an attack on the identity, history, and dignity of the communities it represents. If confirmed, I will work with Department colleagues, including the Office of the Special Envoy for Holocaust Issues, others in the U.S. Government, and overseas partners to speak out against such actions. I will also commit to using diplomatic, economic, and political tools to work on preventing destruction of religiously and historically important sites in Ukraine.

Question. What is your understanding of morale in the Office of the Special Envoy to Monitor and Combat Antisemitism?

Answer. It is my understanding that morale in the Office of the Special Envoy to Monitor and Combat Antisemitism has been high over the past year, owing to the effective interim leadership of Senior Official Kara McDonald (a career foreign service officer serving as a deputy assistant secretary of state in the Bureau for Democracy, Human Rights, and Labor) and to the quality of the personnel she has recruited to staff the office.

Question. How do you intend to improve morale in the Office of the Special Envoy to Monitor and Combat Antisemitism?

Answer. If confirmed, I will personally meet with each member of the team during my first days on the job to glean staff members' opinions on the office's priorities and operations, including areas of room for improvement. If confirmed, I will maintain an open-door policy whereby any team member can bring concerns or recommendations to me directly. Open and frequent communication is key to fostering a productive, efficient, and inclusive workplace.

Question. How do you intend to create a unified mission and vision at the Office of the Special Envoy to Monitor and Combat Antisemitism?

Answer. If confirmed, I will move quickly and decisively to undertake a thorough review of where our mission currently stands, including by consulting with a broad array of Department of State and other U.S. Government stakeholders active in the fight against global antisemitism. After consulting with key members of my team and relevant senior Department of State principals, I will lay out and clearly explain my reasons for any proposed changes to the Office's activities or new areas of emphasis. I will also champion an office-wide system of continuous feedback, assessment, and recalibration to ensure buy-in and sustained good counsel. Finally, if confirmed, I will work not only to create a unified mission and vision for the office, but I will also commit to consult with Congress on the mission and work of the office.

Question. How would you describe your management style?

Answer. I consistently seek to empower, to listen, and to learn from the various experts on my team; to lead by example; and to ensure clear, two-way communication. I always endeavor to ensure my teams are diverse and inclusive and that there is equity in the work and in our hiring and evaluation processes. I also seek to give my team members wide latitude and autonomy to take ownership of initiatives and make key decisions while also being a resource to them in case a new situation or any doubts arise. I believe professional training and development are essential, and, if confirmed, I intend to encourage team members to avail themselves of all relevant training and professional development opportunities at the Department of State. Finally, I want to note my appreciation for the very capable interim leadership of Senior Official Kara McDonald of this office, which I know, if I am confirmed, will have paved the way for a smooth transition for the entire team.

Question. Do you believe it is ever acceptable or constructive to berate subordinates, either in public or private?

Answer. Absolutely not. I firmly believe it is unacceptable, not to mention decidedly unproductive, to berate anyone under any circumstance. If confirmed, I will pledge to only provide respectful, clear, and constructive feedback to team members and will expect my managers to do the same and hold accountable anyone who does not.

Question. How do you envision your relationship with your deputy?

Answer. If confirmed, I expect to continue to enjoy a close and collegial relationship with the current Deputy Special Envoy or any other deputy. I have known the current Deputy Special Envoy, Aaron Keyak, for some time, during which we have developed an excellent professional relationship. I have had the good fortune to collaborate with him on a number of projects, including with respect to combating antisemitism, prior to his joining the Department of State in late 2021. I know, respect, and trust Mr. Keyak and look forward to working day in and day out with him on fighting global antisemitism, if given the opportunity.

Question. How do you envisage your leadership relationship with other bureau leaders whose portfolios may intersect with yours?

Answer. If confirmed, I intend to work closely and seamlessly with the Assistant Secretary of State for Democracy, Human Rights, and Labor, the Ambassador-at-Large for International Religious Freedom, and other assistant secretaries of state to advance the fight against antisemitism around the world. I recognize that my relationships with the regional assistant secretaries, notably the Assistant Secretary of State for European and Eurasian Affairs, will be vital as we work through our embassies and consulates in Europe and elsewhere to monitor and combat antisemitism. If confirmed, I also intend to partner with the Special Envoy for Holocaust Issues to advance the United States' work to push back against Holocaust denial and distortion.

Question. If confirmed, what leadership responsibilities do you intend to entrust to your deputy?

Answer. If confirmed, I intend to delegate much of the day-to-day management of the office to the Deputy Special Envoy, Aaron Keyak, consistent with the approach of most of my predecessors. I will also call on Mr. Keyak to serve as my surrogate when I am unavailable for certain official duties.

Question. Do you believe that it is important to provide subordinates with accurate, constructive feedback on their performance in order to encourage improvement and reward those who most succeeded in their roles?

Answer. I firmly believe in providing clear, constructive, and respectful feedback on performance to every member of my team. Similarly, if confirmed, I look forward to receiving constructive feedback from my team members on my own performance as well. Providing thoughtful feedback to subordinates not only encourages better performance, but also engenders trust and mutual respect.

Question. If confirmed, would you support and encourage clear, accurate, and direct feedback to employees in order to improve performance and reward high achievers?

Answer. Yes, if confirmed, I will support and encourage clear, accurate, and direct feedback to each employee in my chain of command to improve performance and I will ensure high achievers are routinely rewarded for their contributions.

Question. What is the public diplomacy environment like around the world in relation to the Office of the Special Envoy to Monitor and Combat Antisemitism?

Answer. In many parts of the world, the environment is challenging. Antisemitic sentiment runs high in many countries. Even in countries where the United States engages productively with governments on this issue, conspiracy theories about Jews and overall antisemitism are on the rise, notably throughout Europe. Malign actors use social media and other online platforms to spread their antisemitic messages with unprecedented speed and reach, including in some cases speech that may incite violence. If confirmed, I look forward to partnering with public diplomacy and other experts at the Department of State to enhance our strategies for condemning and countering antisemitic rhetoric while respecting freedom of expression, including by providing accurate counter-messaging in the online space.

Question. What public diplomacy challenges do U.S. diplomats face in relation to the Office of the Special Envoy to Monitor and Combat Antisemitism?

Answer. As I note in the answer above, the public diplomacy environment overseas is challenging when it comes to fighting the scourge of antisemitism. U.S. diplomats in many countries around the world contend with entrenched antisemitic views among government officials, within society at large, in local media, and online. If confirmed, I look forward to partnering with the public diplomacy and other experts at the Department of State to provide our forward-deployed diplomats with tools to undermine conspiracy theories about Jews, to advance messaging on interfaith dialogue and harmony, and to condemn and counter antisemitic rhetoric and narratives.

Question. How do you balance the importance of Main State versus the in-country mission when it comes to tailoring public diplomacy messages for foreign audiences?

Answer. While recognizing the importance of sound, coherent messaging being formulated at the headquarters level, I also appreciate that the public diplomacy environment for combating antisemitism and promoting religious freedom varies from country to country—and often with regard to different populations within the same country. As such, I believe that U.S. embassies and consulates play an important role in shaping, prioritizing, and sequencing public messaging and social media campaigns on these issues.

Question. Regarding "Anomalous health incidents." If confirmed, do you commit to taking this threat seriously?

Answer. Yes. I take nothing more seriously than the health and security of the people who will work with me and, if confirmed, and I will ensure that any reported incident under my watch will receive an appropriate medical and security response. Secretary Blinken prioritizes the Department's response to AHIs, setting clear goals for the Health Incident Response Task Force to strengthen the Department's communication with its workforce and providing care for affected employees and family members.

Question. Regarding "Anomalous health incidents." If confirmed, do you commit to talking as openly as you can to the Office of the Special Envoy to Monitor and Combat Antisemitism?

Answer. Yes, if confirmed, I commit to engage my team members on this issue as openly as possible. I take nothing more seriously than the health and security of the people who will work with me. I commit to working with health and security officials and other parties as recommended.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO DR. DEBORAH E. LIPSTADT BY SENATOR MARCO RUBIO

Question. Do you recognize that, if confirmed, your personal statements and tweets, even if not made in an official setting, may be perceived to be the views of the United States?

Answer. Yes, I recognize that, if confirmed to this position, my words both official and unofficial will carry significant diplomatic importance to the interests of the United States. As such, if confirmed, I commit to following all guidance from the Department of State regarding diplomatic conduct and Public Diplomacy efforts, including guidance as it pertains to the use of social media.

Question. If confirmed, do you commit to uphold the non-partisan nature of the position you hold?

Answer. As I said in my hearing before the Senate Foreign Relations Committee, I am an equal opportunity foe of antisemitism. If confirmed, I pledge to call out global antisemitism wherever it is found. It is my firm belief that those who are only interested in finding antisemitism—or any form of prejudice—on the opposite end of the political spectrum are more interested in weaponizing antisemitism than fighting it. If confirmed, I commit to upholding and cementing the nonpartisan nature of my position, as a nonpartisan approach is fundamental to meaningfully combating antisemitism.

Question. If confirmed, do you commit to not making statements unbecoming of a public official that speaks on behalf of all Americans?

Answer. Yes. If confirmed, I commit to meeting the exceptionally high standards required for the words and conduct of an official representative of the United States, in engagements both public and private, overseas and domestic.

Question. If confirmed, do you commit to making yourself, and your staff, available to provide briefings as requested to my office and others?

Answer. If confirmed, I pledge to make myself and my staff available to provide briefings to your office and to others, both upon request as well as proactively on matters of significance.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. LAURA FARNSWORTH DOGU BY SENATOR ROBERT MENENDEZ

Question. On March 9, 2021, the U.S. Embassy in Honduras issued a disaster declaration in response to crisis levels of food insecurity. The disaster declaration for Honduras was reissued for FY 22 due to unmet needs caused by hurricanes Eta and Iota and the impacts of the pandemic. In recent weeks, I led a letter, alongside 32 of my Democratic colleagues in the Senate, calling for Temporary Protected Status redesignations for Honduras—as well as for Guatemala, El Salvador, and Nicaragua.

- Can I have your commitment that you will independently assess country conditions and make a recommendation to the State Department and the Department of Homeland Security during your first 100 days as U.S. Ambassador to Honduras?

Answer. If confirmed, I commit to prioritizing the Department's understanding of basic humanitarian needs in Honduras during my first 100 days and to considering, as appropriate, the wide variety of tools available through the Department and the interagency, including possible Temporary Protected Status (TPS) designation.

Question. Will you directly brief my office on your findings?

Answer. If confirmed, I commit to working with the Department to provide briefings to members of congress and staff as requested.

Question. What steps will you take to address mis- and disinformation about TPS and U.S. immigration policy so that the Administration can do right by the people in Central America while also ensuring that we prevent mass movements to the border of people who would never qualify for TPS?

Answer. Interrupting the messaging of unscrupulous actors peddling false information about U.S. immigration policy is a top priority for addressing migration challenges in the region and at our border. The Department strengthened its outreach to communities within migrant-sending countries, including Honduras, and simultaneously intensified outreach to Central American diaspora communities within the United States, using media interviews and social media amplification to provide prompt, accurate information about TPS. We monitor dis- and misinformation about U.S. immigration policy and push out tailored responses with accurate information, including through support to our international partners to develop targeted community-based messaging campaigns. If confirmed, I will support ongoing programs through the U.S. Agency for International Development, the Bureau of Democracy, Human Rights and Labor (DRL), the Bureau of International Narcotics and Law Enforcement Affairs (INL), the Bureau of Population, Refugees, and Migration (PRM), and others that already strive to target the communities most likely to send irregular migrants to the United States and encourage my teams to work together on creative and effective messaging efforts. I will also remain closely engaged with the Department and the interagency on stakeholders' outreach efforts to reduce pull factors for irregular migration.

Question. Ambassador Dogu, former Honduran President Juan Orlando Hernandez has been directly implicated in significant drug trafficking activities. Last week, I wrote to Secretary Blinken and Secretary Yellen, urging them to publicly hold Hernandez accountable for his criminal actions by revoking his visa and designating him as a "significant foreign narcotics trafficker" under the Kingpin Act.

- If confirmed as our next ambassador to Tegucigalpa, what additional steps would you take to hold Hernandez accountable? Additionally, what measures will you apply to Honduran officials that place their participation in drug trafficking and criminal activity above the interests of the Honduran people?

Answer. On February 7, the Department publicly announced former President Hernandez's inclusion on the United States' Corrupt and Undemocratic Actors list, under Section 353 of the United States-Northern Triangle Enhanced Engagement Act, which generally makes the listed individuals ineligible for visas and admission to the United States. The Department included Hernandez on the list on July 1,

2021. The Department employs multiple tools to promote rule of law and fight impunity around the world and seeks constantly to address the challenges posed by the evolving nature of transnational organized crime and drug traffickers.

In addition to the U.S. Government's existing tools, we publicly committed to supporting President Castro's request to the United Nations for support in establishing an anticorruption mission. We already collected best practices and lessons learned from anticorruption commissions throughout the region and will work with the U.N. and Honduras to ensure new efforts incorporate these standards and build off existing anticorruption mechanisms already working in Honduras. If confirmed, I will also continue to advance these policies by supporting the work of other agencies responsible for pursuing justice in these cases.

Question. I am very concerned about directed energy attacks on U.S. Government personnel (so-called Anomalous Health Incidents). Ensuring the safety and security of our personnel abroad falls largely on individual Chiefs of Mission and the response of officers at post. It is imperative that any individual who reports a suspected incident be responded to promptly, equitably, and compassionately.

- Do you agree these incidents must be taken seriously, and pose a threat to the health of U.S. personnel?

Answer. Yes. I take nothing more seriously than the health and security of the people who will work with me, and, if confirmed, I will ensure that any reported incident that falls under my Chief of Mission authority will receive an appropriate medical and security response. Secretary Blinken prioritizes the Department's response to AHIs, setting clear goals for the Health Incident Response Task Force to strengthen the Department's communication with its workforce and providing care for affected employees and family members.

Question. If confirmed, do you commit to ensuring that any reported incident is treated seriously and reported quickly through the appropriate channels, and that any affected individuals receive prompt access to medical care?

Answer. Yes. I will do everything possible to ensure that employees who report a possible AHI receive immediate and appropriate attention and care and the incident is reported through appropriate channels.

Question. Do you commit to meeting with medical staff and the RSO at post to discuss any past reported incidents and ensure that all protocols are being followed?

Answer. Yes. Again, if confirmed, I will take nothing more seriously than the health and security of the people working at U.S. Embassy Tegucigalpa. I commit to working with health and security officials and other parties as recommended.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. LAURA FARNSWORTH DOGU BY SENATOR JAMES E. RISCH

Question. How would you characterize the incoming Honduran Government's views of the United States?

Answer. The Department invested in developing a productive relationship with the Castro administration, beginning during the campaign. U.S. Embassy Tegucigalpa personnel met with President Castro's transition team, and the U.S. Government sent high-level interlocutors, including Vice President Harris, to demonstrate U.S. support for some of President Castro's initiatives, including on anticorruption. President Castro will not fully align with the United States on every policy issue, but she repeatedly stressed her hope that the United States will remain Honduras' preferred partner on her top priorities. If confirmed, I will strive to maintain that status as Honduras' preferred partner by working together on our shared priorities, including countering corruption and drug trafficking, strengthening democratic institutions, rebuilding the economy, improving security, and increasing respect for human rights, all of which will contribute to decreasing irregular migration.

Question. Please describe the top U.S. law enforcement priorities in Honduras.

Answer. Honduras remains a significant transshipment point for drug traffickers and transnational criminal organizations, and Honduras is both a source and transit country for irregular migration. U.S. law enforcement policy takes a broad approach to combating drug trafficking, including through training and professionalization of Honduran police services, strengthening efforts to humanely manage migration, including identifying unaccompanied children in need of child welfare services,

strengthening the rule of law and the judiciary, and developing economic opportunities.

If confirmed, I would look forward to cooperating with President Castro on her push to improve citizen security, including by increasing respect for human rights, improving mechanisms for combating sexual and gender-based violence, and strengthening relations between police services and local communities.

Question. Political disagreements in the National Congress of Honduras have ignited a legitimacy crisis with potential long-term negative consequences for governability in the country.

- Is the current Honduran legislature functioning under a constitutional framework? If not, what needs to happen to achieve that?

Answer. The political crisis in the Honduran National Congress tarnished the otherwise strong start of the Castro administration. Civil society, government actors, and others question the constitutionality of the claims to the presidency of Luis Redondo, the declared president of the congress, and Redondo passed an amnesty law for former President Manuel Zelaya's supporters without the full support of the congress. While the matter is internal and for Honduras to resolve, U.S. Embassy Tegucigalpa and Honduras' bilateral and multilateral partners have offered Honduras support in resolving the crisis since the beginning. Additionally, the Department communicated its concerns regarding the need to reinforce, not weaken, democratic institutions and rule of law through Embassy and Washington channels. If confirmed, I will work with the Department, the interagency, and the U.S. Congress to ensure we deploy the appropriate tools for addressing this crisis.

Question. How would you describe the Administration's views on the legality of measures adopted by the National Congress of Honduras led by Mr. Luis Redondo and assembled on January 21?

Answer. The Biden-Harris administration remains troubled by concerns that the Honduran National Congress has acted beyond its authority in enacting significant laws before ensuring the president of the congress had full authority to do so. If confirmed, I would work closely with the Honduran Government, civil society, and international partners to help ensure respect for democratic institutions and processes as well as the separation of powers.

Question. Please describe the importance of the 2019 Asylum Cooperative Agreement (ACA) with Honduras in incentivizing the Government to adhere to international commitments to increase asylum capacity.

- In your opinion, did the Administration wrongfully terminate the agreement in 2021 before it had the opportunity to take effect and have meaningful results?

Answer. The 2019 Asylum Cooperative Agreement (ACA) shifted the burden of the U.S. asylum system to other countries in the region, including Honduras. I remain unaware of any way in which the ACA incentivized Honduras to build up its asylum capacity. Rather, its implementation would have placed undue pressure on the country's nascent asylum system without providing sufficient time or resources to build domestic capacity. Independent of the ACA framework, the United States continues to support Honduran efforts to build its asylum capacity in a sustainable manner, as well as to respond to the protection needs of internally displaced Hondurans, in line with Honduras' national action plan commitments under the Comprehensive Regional Protection and Solutions framework; better known by its Spanish acronym, MIRPS. The Biden-Harris administration believes there are more suitable ways to confront regional protection and irregular migration challenges.

Question. If confirmed, would you advocate for the U.S. to leverage existing bilateral extradition treaties and Palermo protocols to prosecute transnational criminal actors who facilitate human smuggling and human trafficking?

Answer. As a party to the U.N. Convention Against Transnational Organized Crime and its optional protocols, Honduras has obligations to criminalize human trafficking and migrant smuggling. Honduran law criminalizes all forms of trafficking in persons and the Government maintains a specialized anti-trafficking prosecution unit. If confirmed, I will support U.S. efforts to build the skills of officials in this unit and will engage the Honduran Government to allocate increased resources to augment and sustain the unit's capacity. I will also support the work of Joint Task Force Alpha, the U.S. Department of Justice and U.S. Department of Homeland Security partnership to combat dangerous human smuggling and trafficking activity in Honduras and elsewhere in the region by working with our partners to increase both U.S. and foreign prosecutions of such criminal actors and orga-

nizations, including by pursuing extraditions in appropriate cases consistent with U.S. law and our treaty obligations.

Question. The Central American Agreement for Free Mobility (CA-4) requires citizens from Central America to show only a legal identification document, not a passport or visa to enter other participating countries. This has effectively placed all immigration enforcement north on Mexico and the U.S. If confirmed, would you commit to advocating for adoption and implementation of stronger visa requirements among the CA-4 countries?

Answer. The Central American Agreement for Free Mobility (CA-4) significantly improves regional integration. The agreement has served as a linchpin of improving economic ties in the region. It has documentation requirements that, if enforced, should assist in deterring irregular migration. If confirmed, I will continue to encourage these countries to humanely enforce their respective immigration laws and policies, including enforcing document requirements under CA-4, and to secure their borders.

Question. In the State Department's 2021 Trafficking in Persons report, Honduras was identified as a Tier 2 state, due to overall increasing efforts to eliminate human trafficking, but failed in key areas, like lowered penalties for trafficking crimes and fewer victims identified in the reporting year.

- If confirmed, how will you work with the Honduran Government to address these issues?

Answer. If confirmed, I would work across the interagency and with all the tools available to me to address shortcomings in Honduras' anti-trafficking efforts identified in the annual Trafficking in Persons Report. In addition to the work we do to train and professionalize police services and to improve identification and assistance to trafficking victims among migrants, I would ask the Embassy team to engage with the congress, government and non-governmental service providers, the judicial system, and law enforcement in Honduras to improve the local response to criminals preying on vulnerable communities.

Question. The State Department's Office to Monitor and Combat Trafficking in Persons has several successful programs in the region that could be beneficial in Honduras and within the hemisphere. If confirmed, how will you bolster these efforts with the office to combat and monitor trafficking in persons?

Answer. If confirmed, I will seek to engage the U.S. Government to respond to our priorities in Honduras, including requesting programs through our Trafficking in Persons Office and coordinating across the interagency to integrate anti-trafficking components into related programs. I will build on the Trafficking in Persons Office's current efforts in Honduras to enhance victim protection services and strengthen the capacity of law enforcement and public officials at the local and national level to effectively investigate and prosecute trafficking crimes. I will encourage the Embassy team to think creatively about responding to local challenges, and I will support outreach within the region to identify best practices and lessons learned in implementing programs to address the needs of vulnerable communities.

Question. If confirmed, how would you and your mission work with the Honduran Government to improve migration processing, including asylum claims?

Answer. I remain committed, if confirmed, to supporting continuing collaboration with our Honduran counterparts both bilaterally as well as through regional fora such as the Comprehensive Regional Protection and Solutions Framework (or MIRPS in Spanish)—for which Honduras holds the 2022 presidency pro tempore—and the Regional Conference on Migration to advance shared strategic solutions to humanely manage migration in the region. These strategies include enforcing borders and immigration laws while ensuring access to protection for those in need; enhancing lawful migration pathways including labor opportunities; and combatting migrant smuggling and human trafficking. In addition to coordinating through multilateral fora, I will support the Department's ongoing efforts through international organization and NGO partners to help the Honduran Government build its capacity to register and process asylum claims, respond to the needs of internally displaced persons, and humanely enforce its borders. These efforts include technical advisory assistance, support for staff, training, equipment, and other needs related to sustainably increasing migration management capacities.

Question. Please explain your understanding of China's presence and interests in Honduras.

Answer. The People's Republic of China (PRC) attempted to make inroads in Honduras with vaccine diplomacy. On June 1, 2021, former President Juan Orlando

Hernandez announced he would open a commercial office in Shanghai to facilitate the sale and delivery of COVID–19 vaccines. Ultimately, Honduras never opened the office as supply urgency abated. During her campaign, President Castro suggested she would consider switching Honduras' diplomatic ties from Taipei to Beijing, but she appears to have reconsidered that position. The PRC has some investments in Honduras but does not have a high profile. If confirmed, I commit to working diligently to expose the risks associated with ties to Beijing and the benefits associated with continued diplomatic ties with Taipei.

Question. Honduras is one of the last 14 countries to maintain diplomatic ties with Taiwan. Honduran President Castro vowed during her campaign to switch the country's recognition to China; however, the new Government noted it would maintain diplomatic ties with Taiwan. Honduran Foreign Minister Eduardo Enrique Reina stated last week that Honduras' relationship with Taiwan will remain fluid.

- If confirmed, what action would you take to encourage Honduras to maintain its recognition of Taiwan?

Answer. If confirmed, I commit to highlighting the value of strong ties to Taiwan. The United States, under the auspices of the American Institute in Taiwan, works with Taiwan's overseas offices to identify and promote opportunities for cooperation. I would encourage my team to continue working with local partners on areas for Taiwan's cooperation with Honduras and to develop creative opportunities for Taiwan to raise its profile with the Honduran Government and people.

Question. In 2008, the Chinese company Huawei opened an office in Honduras, and it's now the main provider for telecommunications companies in the country. How would you urge Honduras to choose trustworthy suppliers for their critical infrastructure/telecom?

Answer. The United States supports efforts to ensure countries, companies, and citizens realize the promise of 5G wireless networks, and we encourage governments and telecom operators to prioritize security when building their broadband cellular network infrastructure. We welcome collaboration with allies and other partners to ensure our shared security in a 5G future and beyond. Each country must make a sovereign decision about its national and economic security. The Biden-Harris administration remains committed to ensuring U.S. telecommunications networks do not use equipment from untrusted vendors. Countries and their citizens need to be able to trust that 5G equipment and software will not introduce risks that threaten national security, economic interests, privacy, or human rights. Trust cannot exist where information and communications technology and services providers remain accountable to authoritarian governments like the PRC, which subject domestic companies to broad intelligence and national security laws and lack an independent judiciary and the rule of law to protect companies and consumers. If confirmed, I will collaborate with partners like Honduras to ensure our shared security in a 5G future.

Question. Honduran President Castro has embraced the Maduro regime and no longer recognizes Juan Guaidθ as the elected leader of Venezuela. Do you agree with the Honduran Government's decision? If not, who should be viewed as the rightful Venezuelan leader?

Answer. I regret that President Castro moved so quickly to recognize a regime that has contributed to the largest humanitarian crisis in recent history in the region. The United States continues to recognize the legal authority of the democratically elected 2015 National Assembly and the person chosen by this National Assembly to be constitutional interim President of Venezuela, Juan Guaidθ. If confirmed, I will stress the importance of strong, representative, democratic leadership for the region, grounded in democratic institutions and processes.

Question. How do you plan to engage the Honduran Government to reverse course to restore democracy in Venezuela?

Answer. If confirmed, I will use the tools and support available to me through the U.S. Government to highlight the dangers posed by the Maduro regime, and the benefits of supporting the return of democracy in Venezuela. I will draw on my experience as U.S. Ambassador to Nicaragua, home of another difficult regime in the region, to inform my actions.

Question. Many U.S. missions have been under enormous stress over the last few years, in large part due to COVID.

- What is your understanding of morale throughout Mission Tegucigalpa?

Answer. I understand morale remains good. Like all missions, Mission Honduras has been affected by the COVID–19 pandemic. The Department's provision of

COVID–19 vaccines and boosters, as well as pediatric vaccines has been a tremendous help to the Mission and a huge help to morale of employees and family members. The international school's transition from a fully virtual to hybrid learning environment this school year also provided welcome relief to families. Outdoor events organized by the Embassy's Community Liaison Office that celebrated U.S. holidays enabled families to socialize in person and strengthened resilience and a sense of community. Although the recent Omicron surge in Honduras necessitated a return to virtual-only events, the community understands the importance of mitigating the COVID–19 risk and looks forward to a time when in-person events might again be possible.

Question. How do you intend to improve morale at Mission Tegucigalpa?

Answer. I specialize in building strong and resilient teams whose members support each other, especially during difficult periods. If confirmed, I would begin my tenure as Ambassador by maintaining a focus on our people, ensuring we fully utilize available tools to care for our employees and their families. I would review eligible family member employment available through the Embassy and Washington hiring mechanisms to ensure qualified applicants are able to deploy their talents in support of the United States while developing their own careers. While it may not always be possible to work in the same space or relax together in person in the COVID–19 era, employees can and should feel energized and proud of the impact their important work is having both in the United States and in Honduras.

Question. How do you intend to create a unified mission and vision at Mission Tegucigalpa?

Answer. For a mission to be successful, each agency and their employees must have a solid understanding of our overall goals and strategy, and we must create an inclusive mission culture. All agencies and all employees must support the Integrated Country Strategy objectives and understand the role they as individuals play so that they will be fully invested in its success. Beginning with my arrival at post, I would regularly share our vision with all Mission members and develop diverse and interagency work teams within an inclusive environment to support accomplishing these objectives. I understand a new Integrated Country Strategy is being developed now with the input from all agencies, and if confirmed, I would ensure that all employees, not just the section or agency heads, understand the important role they play in helping achieve the Mission objectives.

Question. Management is a key responsibility for Chiefs of Mission. How would you describe your management style?

Answer. My management style prioritizes taking care of our people first, including their families, and demonstrating the highest level of ethics and integrity in my work. I expect teams I lead to do the same. I will make it clear I expect the professionals in Mission Tegucigalpa to do the right thing the right way but also to innovate and embrace change with a focus on achieving results. I will encourage those I rely on for support to provide honest and creative advice. I will always remind my team that they are ultimately responsible to the American people, and they should view their work not only through a foreign policy lens but also through a U.S. domestic policy lens. If our work does not benefit the American people, we need to redirect our efforts.

Finally, diplomacy is changing, and I look forward to supporting Department of State actions to build a new Diplomacy for the 21st Century and will encourage Mission Tegucigalpa's active participation in these efforts. I believe in empowering our talented employees and supporting their efforts.

Question. Do you believe it is ever acceptable or constructive to berate subordinates, either in public or private?

Answer. It is never acceptable to berate subordinates. Everyone deserves to be treated with respect and dignity both in public and in private.

Question. How do you envision your leadership relationship with your Deputy Chief of Mission?

Answer. The role of the Deputy Chief of Mission (DCM) and the DCM's partnership with the Ambassador remains critical to the success of an Embassy. I intend to fully partner with and empower the DCM to serve as the Embassy Chief Operating Officer and as someone prepared to step in as Chargé d'Affaires, if needed.

Question. If confirmed, what leadership responsibilities do you intend to entrust to your Deputy Chief of Mission?

Answer. While the Ambassador ultimately takes responsibility for all operations of the Mission, I intend to empower the Deputy Chief of Mission (DCM) to serve as the Chief Operating Officer, handling the day-to-day operations of the Embassy, including the coordination of the work of all federal agencies. The partnership between the Ambassador and DCM remains critical and I will ensure we make a tight team. I will support the DCM's work heading up the Emergency Action Committee, the Law Enforcement Working Group, and other working groups in the Mission as well as supporting the employee-led Mission Diversity and Inclusion Council. The DCM would also lead development programs for all First and Second Tour employees from all agencies while also helping develop mid-level leaders throughout the Mission. Finally, I believe the DCM can and should assist me in supporting the requirements of the members of Congress, including official visits.

Question. In order to create and continue employee excellence at the Department, accurate and direct employee evaluation reports (EERs) for Foreign Service Officers are imperative, though often lacking.

- Do you believe that it is important to provide employees with accurate, constructive feedback on their performances in order to encourage improvement and reward those who succeed the most in their roles?

Answer. I strongly support providing all employees with accurate and constructive feedback. As Ambassador, I would do this personally with employees working directly for me, but I would also ensure this remains a priority for all managers in the Mission. Feedback begins long before the official EER is written and also includes nominating all qualified employees for awards for outstanding performance.

Question. If confirmed, would you support and encourage clear, accurate, and direct feedback to employees in order to improve performance and reward high achievers?

Answer. Yes. If confirmed, I would support and encourage clear, accurate, and direct feedback to employees.

Question. It is imperative that U.S. diplomats get outside of posts abroad to meet with local actors, including host-government officials, non-government organizations, and fellow foreign diplomats stationed in Honduras.

- In your opinion, do U.S. diplomats get outside of our Embassy walls enough to accomplish fully their missions?

Answer. I believe building a large and diverse network across the entire country remains an essential requirement for any diplomat. If confirmed, I would support Embassy employees engaging with as many different groups as possible outside the Embassy. While many conditions (security, pandemic restrictions, weather) can temporarily impact the ability to meet in-person outside the Embassy, we must continue to find a way for our team to safely engage. I would work with appropriate personnel in the Embassy to ensure U.S. diplomats can fully accomplish their mission.

Question. How do you intend to improve the ability of U.S. diplomats to better access all local populations?

Answer. Accessing all local populations remains a key part of diplomacy. I would ensure that we appropriately share finite security, transportation, and representational resources across the Mission to allow for access to all local populations. I would also encourage different agencies and sections to work together to reach many different populations.

Question. Public diplomacy is an important aspect of U.S. foreign policy efforts. What is the public diplomacy environment like in Honduras?

Answer. Embassy Tegucigalpa's Public Affairs Section (PAS) advances U.S. foreign policy priorities through programs and messaging related to migration, anticorruption, support for democracy and civil society, the fight against transnational crime, and other bilateral priorities. Honduras' media environment remains open to Embassy messaging, and PAS has historically found audiences receptive to a broad spectrum of U.S. Government messages and public programs. This includes programs to improve quality of life for disadvantaged communities, including through English language education, a women's entrepreneurship program, and a public messaging campaign to reduce violence against women.

Question. What public diplomacy challenges do U.S. diplomats face there?

Answer. Embassy Public Affairs Section (PAS) programs address challenges to educational exchange, including low levels of education, lack of access to the Internet, and limited English language skills. PAS works to improve professionalism among Honduran media outlets by offering professional development opportunities

to Honduran journalists, working to improve the quality of their reporting on issues like corruption, rule of law, and other key bilateral interests.

Question. How do you balance the importance of Main State versus the in-country mission when it comes to tailoring public diplomacy messages for foreign audiences?

Answer. The Department in Washington sets policy and messaging priorities based on administration goals, while Embassy Public Affairs teams use their on-the-ground understanding of the media environment, local audiences, and prevailing political conditions in Honduras to convey persuasive messages that advance U.S. objectives. When a policy objective would benefit from the Washington bullhorn, we work with the Embassy to shape a media statement or tweet to effectively reach audiences in country. At all times, the Embassy Public Affairs professionals work closely with counterparts across the interagency to select the proper tool and channel to achieve a desired result. While the media and government officials monitor messages from Washington and value them greatly, the average Honduran is more interested in messaging from the Embassy. In the realm of migration information, information flowing through diaspora and smuggling networks have more sway than official messages from the U.S. Government, either in country or in Washington, though evidence shows that Hondurans consider U.S. Government information about immigration rules reliable.

Question. "Anomalous health incidents," commonly referred to as "Havana Syndrome," have been debilitating and sidelining U.S. diplomats around the world for years. They have caused serious, negative consequences for U.S. diplomacy, yet many believe that the Department is not doing enough to care for, protect, and communicate to its personnel.

- If confirmed, do you commit to taking this threat seriously?

Answer. Yes, I commit to taking this threat seriously.

Question. If confirmed, do you commit to talking as openly as you can to Mission Tegucigalpa personnel?

Answer. Yes, I commit to talking as openly as I can with Mission Tegucigalpa personnel.

Question. In the State Department's 2020 International Religious Freedom report, Honduras was identified as lacking societal respect of religious freedom, particularly in regards to anti-Muslim rhetoric and behavior.

- What is your assessment of this particular issue?

Answer. I believe in the right of every person to practice religion or not in the manner that best responds to their beliefs and preferences. If confirmed, I will call for tolerance and respect between adherents of all faiths and practices, provided they do not interfere with the rights of others.

Question. If confirmed, how will you work with the Ambassador-at-Large to bolster religious freedom in-country?

Answer. If confirmed, I will welcome the experience and ideas of the Ambassador-at-Large to promote religious freedom in Honduras. I will work with the Embassy community to identify challenges and opportunities both within the Mission and within the country for us to promote a message of support and openness to all expressions of faith.

Question. In the State Department's 2020 Human Rights Report, Honduras was identified as having committed severe human rights abuses, like corruption, unlawful killings, threats and violence against free media, lack of accountability for those who commit human rights abuses, violence against women, among many more.

- If confirmed, what steps will you take to address these instances with the host government?

Answer. U.S. Embassy Tegucigalpa tracks human rights cases and abuses carefully, and various offices in the Mission and across the U.S. Government contribute to the Embassy's understanding of and ability to engage on these cases. If confirmed, I commit to actively supporting the Embassy team in policy and programming endeavors to advance respect for and protection of human rights. President Castro highlighted citizen security as a priority, and we share her concerns as we see insecurity as a driver of irregular migration. I will draw on my experience in the State Department and the Department of Defense to identify areas of engagement and innovative approaches to strengthening respect for human rights in Honduras.

Question. How will you direct your Embassy to work with civil society organizations to improve the human rights situation on the ground?

Answer. U.S. Embassy Tegucigalpa already engages with civil society organizations and human rights institutions to follow human rights cases. If confirmed, I will empower the officers and staff working on human rights to seek meetings and activities that will advance U.S. interests in promoting respect for and protecting human rights in Honduras. I will make myself available to deliver hard messages, as appropriate, and to celebrate advances, and I will encourage broad use of funds and programming available through the interagency that support civil society organizations.

Question. How will you work with the relevant Ambassadors at Large within the Department to combat these major human rights issues?

Answer. If confirmed, I will welcome the expertise and experience of the Ambassadors-at-Large with a focus on the various human rights issues in Honduras. I will ask my team to identify gaps in our programming and outreach efforts and to make contact with the offices of the Ambassadors-at-Large to identify any possible cooperation opportunities.

Question. If confirmed, do you commit to raising these human rights concerns within your first 100 days of your tenure?

Answer. Yes, if confirmed, I commit to raising human rights concerns within the first 100 days of my tenure and will also continue to raise them, as appropriate, throughout my time as Ambassador.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. LAURA FARNSWORTH DOGU BY SENATOR TIM KAINE

Value-Added Tax

Question. U.S. companies operating in Honduras play an important role in increasing government revenue, creating jobs, and stimulating local economies. Improving the environment for U.S. investment by ensuring businesses are treated fairly and transparently are critical to addressing the root causes of migration. Unfortunately, U.S. companies continue to report significant over-withholdings of value added tax (VAT) and income taxes, and delays or denials in millions of dollars of tax refunds to which they are lawfully entitled.

- If confirmed, how will you ensure the Department works with the Castro administration to fulfill the legal and financial obligations necessary to foster an attractive investment environment and stimulate economic growth, including the timely refund of excess taxes paid by U.S. companies? What specific actions will you take to ensure the Castro administration implements effective remedies to expedite approved refund payments?

Answer. The United States worked to improve the investment climate in Honduras for U.S. investors for many years. We strive to increase predictability, rule of law, and international best practices with Honduras' Government institutions. If confirmed, I will use the array of mechanisms available to the Department and through the interagency to ensure Honduras respects its commitments under investment mechanisms, including CAFTA-DR, and that U.S. investors can obtain effective relief from excessive tax withholding.

Rule of Law

Question. An independent judiciary and fair, consistent application of legal precedent is critical to fostering predictability for U.S. investors considering opportunities in Honduras. President Biden's Root Causes Strategy highlights that weak rule of law, lack of transparency, and corruption deter much needed foreign investment in the region.

- As Ambassador, what steps would you take to encourage the Government of Honduras to strengthen the rule of law and foster a business-enabling environment for inclusive economic growth, especially regarding the fair and equitable treatment of critical investments by the U.S., and particularly in the CEMAR case?

Answer. The Department, the U.S. Agency for International Development, and other agencies active at post work on rule of law programming to strengthen the justice sector in Honduras. These programs seek to create predictability and accountability in Honduras' Government institutions and to render those institutions

worthy of confidence from citizens and investors. If confirmed, I will promote the existing programs and work with my team to develop creative responses to evolving situations, especially those involving U.S. investors. A strengthened justice sector will advance several U.S. priorities in Honduras, including fighting corruption, increasing citizen security, and supporting economic development. I cannot comment on the specifics of any case, but if confirmed, I commit to asking my team to provide me with the information I need to help U.S. investors pursue resolution of their disputes and to meeting with those investors as appropriate.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. LAURA FARNSWORTH DOGU BY SENATOR MARCO RUBIO

Question. Last month, Honduras inaugurated Xiomara Castro to serve as its new President. She replaces Juan Orlando Hernμndez, under whose administration Honduras has pursued a broadly pro-American policy. For example, Honduras joined the U.S. in multilateral initiatives to support the interim Government of Venezuela and to impose sanctions on the Dϕaz-Canel/Castro regime in Cuba.

- What is your assessment of how Honduras will approach its relationship to the United States under President Castro?

Answer. I understand the Department devoted significant effort to developing a positive relationship with President Xiomara Castro and her administration, beginning during the campaign. U.S. Embassy Tegucigalpa personnel met with Castro's transition team, and the U.S. Government sent high-level interlocutors, including Vice President Harris, to demonstrate U.S. support for some of President Castro's initiatives. Castro will not fully align with the United States in every policy, but she repeatedly stressed her hope that the United States will remain Honduras' preferred partner on her top priorities. If confirmed, I will strive to build on the existing positive relationship to accomplish progress on our shared priorities, including countering corruption and drug trafficking, rebuilding the economy, improving security, and strengthening respect for human rights, all of which will contribute to a reduction in irregular migration. President Castro's victory as an opposition candidate in a free and fair election also sent the region a positive signal about democratic governance.

Question. What is your assessment of the new Honduran Government's plans to overhaul the Honduran economy?

Answer. I understand President Castro campaigned heavily on the need for economic recovery, and she focused on the need for improved rule of law—especially with regards to fighting corruption—as a central part of that plan. Honduras struggles with a low-skilled workforce, limited preventive healthcare options, and other challenges to economic development, but President Castro has the attention of the international community and the Honduran private sector. If confirmed, I will work to maintain President Castro's focus on improving the business and investment climate and on creating conditions for private sector-led economic development. I welcomed the announcement that the United States would facilitate delivery and deployment of pediatric vaccines to help get the schools open after a two-year hiatus.

Question. How do you think these initiatives will interact with the Biden administration's policy to counter the root causes of migration?

Answer. The Biden-Harris administration stresses the importance of private sector-led development and promoted efforts like the Call to Action and Build Back Better World to help organize efforts in encouraging quality investment and strengthening ties between our partner countries and U.S. businesses. If President Castro remains seriously committed to long-term growth and improvement for the Honduran economy, I believe the Department can deploy tools to help her and all Hondurans. The mechanisms and tools we have developed will increase opportunities in Honduras for high-paying, better-quality jobs that will allow people to remain in their home communities. If confirmed, I will work with my team in Tegucigalpa and their counterparts in Washington to maximize our ability to support those policies that mirror our own efforts.

Question. If confirmed, what priorities will you put forward for the Biden administration to continue the positive U.S.-Honduras relationship?

Answer. I understand many of President Castro's policies align with U.S. priorities for Honduras, including improving citizen security, with a focus on combating sexual and gender-based violence; countering corruption and drug trafficking; and

improving Honduras' respect for human rights. If confirmed, I will work with the interagency to seek responsive and creative ways to continue the positive relationship the United States enjoys with the Castro administration. I anticipate points of friction, as in any bilateral relationship, but I hope that we will maintain a foundation of mutual support and understanding.

Question. Shortly after winning election, President Castro had aired the idea of switching Honduras' diplomatic recognition from Taiwan towards the People's Republic of China, a move that the Chinese Communist Party has eagerly sought for years. In December of last year, Nicaragua did this and immediately received 1 million doses of the PRC's Sinopharm vaccine. Honduras, similarly, stands to receive significant benefits from the CCP should it recognize the PRC.

- Do you believe that Honduras should switch diplomatic recognition from Taiwan to the PRC?

Answer. Taiwan has proven itself a valuable, steady, and respectful partner to Honduras over several decades. Despite Castro's campaign musing about switching diplomatic ties to the PRC, she appears to have reconsidered that position. The United States has stressed the value and importance of maintaining ties with Taiwan. Taiwan's Vice President met with the Castro administration around the inauguration and acknowledged its hope to respond to Honduras' requests for engagement on economic development and investment. If confirmed, I will facilitate positive interactions between Taiwan and Honduras.

Question. If confirmed, will you encourage Honduras to maintain diplomatic ties with Taiwan?

Answer. Yes, I will support Honduras in maintaining diplomatic ties with Taiwan. Honduras requested evolution in its relationship with Taiwan—a move from humanitarian assistance to long-term economic development and investment. If confirmed, I will help both sides explore the potential such changes offer including through collaboration with U.S. colleagues working at the American Institute of Taiwan. I will support initiatives and empower my teams to provide feedback on the strengths and weaknesses of our current and past approaches to ensure we can strengthen the overall relationship.

Question. What more can the Biden administration do to provide Honduras with investment and assistance, so that it does not feel like it has to accept dubious loans from the PRC's Belt and Road Initiative?

Answer. The Biden-Harris administration has several existing mechanisms to facilitate investment and infrastructure improvement as well as innovative programs. U.S. efforts seek to organize development and investment to help partner countries with climate resilient infrastructure and long-term improvements in workforce qualifications, including through Build Back Better World and the Blue Dot Network. The U.S. International Development Finance Corporation has mobilized $60 billion for development and investment around the world. In Central America, Vice President Harris launched the Call to Action to engage businesses in responsible economic development in Central America, and the public-private partnership with the Partnership for Central America seeks to amplify the Call to Action.

Question. Last week, the Honduran Congress passed a law that granted amnesty to individuals accused of embezzlement, fraud, abuse of authority, terrorism, sedition and illegal possession of weapons, among other crimes. The law seems only to apply to government officials who served from 2006 to 2009, which cleanly lines up with the Administration of Manuel Zelaya, the former President of Honduras and President Castro's husband, who was ousted in 2009.

- Do you believe the amnesty law tarnishes President Castro's attempts to portray herself as an anti-corruption advocate?

Answer. I regret that the new Government elected to fight corruption beginning with an amnesty law. Local NGOs and civil society actors called the amnesty law "an impunity pact," and other observers have raised similar concerns about its reach and objective. The turmoil in the Honduran congress reflects on President Castro's ability to act on the mandate the people gave her.

Question. Are you worried that this amnesty law raises the question that President Castro's administration may attempt to re-write Honduras' constitution, just as former President Zelaya did before his ouster?

Answer. I understand President Castro has dismissed allegations she would try to stand up a constituent assembly. If confirmed, I will use every tool available to me to promote respect for democratic processes and institutions.

Question. If confirmed and in the event that Honduras re-attempts constitutional changes that could undermine Honduran democracy, what will be your response?

Answer. If I am confirmed, and in the event Honduras attempts to push through constitutional changes that could undermine Honduran democracy, I will work with the Department and the interagency to use the appropriate tools to promote respect for democratic institutions and processes. I would call upon the diplomatic community in Honduras to use our combined voices and resources to urge a measured and long-sighted approach to any significant changes proposed.

Question. As you know, President Biden began his administration by announcing his ambition to address the root causes of migration in Central America. I believe that increased private sector investment in Honduras is integral to this effort. It is important for the U.S. Embassy in Tegucigalpa to work with the Castro administration to identify barriers to U.S. investment in Honduras and to promote solutions to improve the business environment for U.S. companies.

- Do you agree that increased investment by U.S. companies can help create economic benefits and contribute to addressing the root causes of migration in Honduras and the wider region?

Answer. Yes, I agree that U.S. private sector investment can bring economic benefits to Honduras while also addressing some of the root causes of irregular migration. I believe high-quality investment brings not just capital but also builds Hondurans' knowledge and technology in nearly any sector. If confirmed, I look forward to working with existing programs throughout the interagency that strive to reduce trade and commercial barriers and seek to increase economic opportunities through an improved investment environment in Honduras. I will carefully review options for near-shoring in support of U.S. supply chains. If confirmed, I will coordinate closely with U.S. businesses already working in Honduras as well as with those considering new investments in the country while working closely with the Honduran Government to improve its investment climate.

Question. If so, how can we work with the Castro administration to reduce barriers to investment for U.S. companies?

Answer. I understand President Castro reached out to private sector leaders during the campaign and immediately after her electoral victory, requesting input and advice on the formation of her economic and financial policies. If confirmed, I will encourage my team to work with the Castro administration, private sector leaders in the United States and Honduras, and across the U.S. Government to maintain the positive momentum we have seen so far. I believe our broad focus on improving rule of law and fighting corruption will also contribute to reducing barriers to U.S. investment and to creating an enabling environment for more and varied investment.

Question. One of the barriers to U.S. investment in Honduras is the issue of over-withholding of Honduran Value Added Tax and income tax. Just like here, the Honduran Government withholds an estimate of what it believes companies' and individuals' taxes will be throughout the year, and refunds those entities that have overpaid. Unfortunately, U.S. investors have experienced significant delays in receiving these refunds. While the previous Hernandez administration made a commitment to address this issue, I am concerned that the Castro administration will not prioritize it.

- Do you agree this creates a barrier for U.S. companies looking to reinvest in Honduras?

Answer. Yes, I believe uncertainty and unpredictability create barriers to U.S. investment in Honduras.

Question. If confirmed, how would you work with the Castro administration to resolve refunds owed to U.S. businesses, expedite approved refund payments, and minimize future over-withholding of tax?

Answer. The United States has sought to improve the investment climate in Honduras for U.S. investors for many years. We strive to increase predictability, rule of law, and international best practices with Honduras' Government institutions. If confirmed, I will use the array of mechanisms available to the Embassy to ensure Honduras respects its commitments, including those under CAFTA-DR. I will strive to show the Honduran Government that ensuring U.S. investors can obtain effective relief from excessive tax withholding also serves Honduras' interests as it will provide a clear sign of an improving investment climate.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO RANDI CHARNO LEVINE BY SENATOR ROBERT MENENDEZ

Ukraine

Question. Transatlantic unity is vital to deterring Putin from re-invading Ukraine. Portugal has committed to join in imposing severe costs on Russia if it escalates aggression against Ukraine. If confirmed, how will you work with the Portuguese Government to ensure a unified response in the event that Russian actions fell short of a full-scale invasion, but still constitute an attack on Ukraine's sovereignty?

Answer. Portugal is contributing forces to the NATO contingent of troops rotating through the Baltics in Lithuania. Portugal has consistently supported EU sanctions against Russia and played a constructive role in support of Ukraine's sovereignty and territorial integrity. Foreign Minister Santos Silva has also highlighted the importance of speaking with one voice and expressed increasing concern over malign Russian influence in European politics, including hacking government systems, conducting espionage, and spreading disinformation. If confirmed, I will advocate strongly with the Portuguese to continue holding Russia accountable for threatening actions and violations of international norms to deter any destabilizing activities.

European Energy Security

Question. Portugal does not use Russian gas, but Europe still depends on Russian gas for 40 percent of its energy needs. Given the strategic importance of the Port of Sines, how would you work to partner with Portugal on energy security and diversification? And what opportunities exist for partnership in the Azores for developing clean, renewable energies?

Answer. Portugal has long advocated for Europe to develop gas interconnections to transport natural gas and 'green' hydrogen between the Iberian Peninsula and Central Europe to diversify gas supply sources and reduce energy dependence on Russia. Portugal is also a climate action leader, among the first to ratify the Paris Agreement and commit to carbon neutrality by 2050. Portugal will soon begin to spend its EU recovery funds, which seek to improve infrastructure and its green energy transition, including in the Azores. If confirmed, I will work to boost mutual economic growth through increased investment, climate and energy cooperation, and to counter non-market and coercive economic practices.

China

Question. Portugal and China signed a memorandum of understanding on the Belt and Road Initiative in 2018, and China has been a major investor in Portugal in the past decade. China has historically attempted to use its investments to push its agenda in Europe—a hallmark of its debt-trap diplomacy. How would you work with the Portuguese Government to expose the negative impacts of Chinese investment, particularly in sensitive sectors like energy?

Answer. If confirmed, I will work closely with Portugal to address the significant challenges PRC actions pose and to counter problematic PRC influence. I will strive to enhance awareness of the vital national security significance of critical infrastructure to the Government of Portugal and promote trusted vendors based in countries with due process and respect for the rule of law. I will encourage efforts to strengthen the current investment screening regime in Portugal and offer technical assistance and the exchange of best practices. In addition, I will work hard to bring more American businesses to the table as a strong alternative to PRC investment.

Anomalous Health Incidents

Question. I am very concerned about directed energy attacks on U.S. Government personnel (so-called Anomalous Health Incidents). Ensuring the safety and security of our personnel abroad falls largely on individual Chiefs of Mission and the response of officers at post. It is imperative that any individual who reports a suspected incident be responded to promptly, equitably, and compassionately. Do you agree these incidents must be taken seriously, and pose a threat to the health of U.S. personnel?

Answer. Yes. If confirmed, there will be nothing more important than the health and security of those working with me. I will consider it my primary responsibility to ensure the safety and security of the Mission Portugal. AHIs have been a top priority for Secretary Blinken, who set clear goals for the Health Incident Response Task Force to strengthen the Department's communication with our workforce, provide care for affected employees and family members, and better protect against these events in the future as we continue to work closely with the interagency to find the cause of these AHIs.

Question. If confirmed, do you commit to ensuring that any reported incident is treated seriously and reported quickly through the appropriate channels, and that any affected individuals receive prompt access to medical care?

Answer. Yes. If confirmed, I will do everything possible to ensure that employees who report a possible AHI receive immediate and appropriate attention and care and the incident is reported through appropriate channels.

Question. Do you commit to meeting with medical staff and the RSO at post to discuss any past reported incidents and ensure that all protocols are being followed?

Answer. Yes. If confirmed, there is nothing I will take more seriously than the health and security of the people who will be working with me.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO RANDI CHARNO LEVINE BY SENATOR JAMES E. RISCH

Economic Relationship

Question. Portugal's economy has suffered heavily during the COVID–19 pandemic. As Ambassador, how would you work with the Portuguese Government to find ways the U.S. can aid in its domestic economic recovery?

Answer. While the tourism and hospitality sectors have suffered during the pandemic, Portuguese GDP grew by 4.9 percent in 2021 and is expected to grow by another 5.5 percent in 2022. As Prime Minister Costa and his Government begin a new term, his first move will be to approve the 2022 budget and implement his party's plans to spend the EU recovery funds, which seek to improve Portugal's infrastructure and green energy transition. If confirmed, I will work hard to achieve mutual economic growth through increased investment, especially in climate and energy cooperation, and reinforce our shared prosperity. The United States and Portugal are strongest when we work together, and we will need this partnership now more than ever as the United States leads the global recovery from COVID–19.

Question. As Ambassador, how will you encourage U.S. investment in Portugal?

Answer. U.S. firms have a large and growing footprint in business service centers in Portugal, taking advantage of its pool of multi-lingual talent, and Portuguese technology startups flourish in the startup ecosystem in the United States. U.S. investment can strengthen our bilateral relationship and create new economic opportunities for both our countries. If confirmed, I will strive to bring more American businesses to the table.

Question. As Ambassador, how will you encourage U.S. trade with Portugal?

Answer. If confirmed, I will ensure that Embassy Lisbon is fully engaged in recruiting a high-quality delegation to premier initiatives like the annual SelectUSA Investment Summit, the SelectUSA Tech Program, and the Select Global Women in Tech Program. Portugal continues to develop a global reputation as a technology and tech start-up hub, attracting commensurate interest from U.S. tech firms. Portuguese firms are also heavily invested in the United States, particularly in wind and solar energy development, and create thousands of jobs domestically. If confirmed, I will focus on increasing mutually beneficial bilateral investment, particularly in climate and energy cooperation, as Portugal goes through its own clean energy transition.

Political Relationship

Question. Portugal's Socialist Party just won the sole majority in Parliament. While it has led the ruling coalition for years, it now has the seats to rule alone. How will you engage with the new PS Government as well as minority parties on issues affecting the U.S.-Portuguese relationship?

Answer. As the new government begins its term, they will need to approve the 2022 budget and implement PS's plans to spend the EU recovery funds, which seek to improve Portugal's infrastructure and green energy transition. Portugal's longstanding foreign policy built on Transatlantic ties, the EU, and ties with the Lusophone world will remain unchanged. If confirmed, I look forward to working with the Portuguese Government to counter the significant and growing PRC economic influence and create new opportunities based on these shared interests and values.

NATO

Question. Portugal only spends 1.54 percent of its GDP on military expenditures, far below the amount that it and all other NATO members pledged in 2014 to spend—two percent. Previous ambassadors have urged Portugal to meet that two percent goal, and while Portugal's military spending has indeed risen, it has been very slow and a rather small increase from an already low floor. What will you do differently from your predecessors to convince or encourage Portugal and its government of the necessity of being a stronger contributor to NATO?

Answer. Portugal remains a key NATO Ally and plays an important role in NATO's core mission of collective defense, including sending 146 Marines for three months to Lithuania under the NATO Assurance Measures mission and 174 soldiers to Romania for NATO's Tailored Forward presence. Portugal continues to voice unwavering support for and commitment to NATO missions and operations. Portugal submitted a roadmap to raise defense spending to 1.66 percent by 2024 but is expected to fall short of its Wales Pledge commitments. If confirmed, I will urge the Portuguese increase defense spending to enable it to modernize its military, meet force contribution commitments, and fulfill its NATO capability targets.

State Department Manangement and Public Diplomacy

Question. Many U.S. missions have been under enormous stress over the last few years, in large part due to COVID. What is your understanding of morale throughout Mission Lisbon?

Answer. Although the pandemic has taken a toll on all of us, I understand that morale at Mission Portugal is generally good. Embassy Lisbon and Consulate Ponta Delgada are staffed by an experienced and motivated team of Americans from across the interagency and excellent locally employed staff. The entire team showed enormous flexibility during the worst of the pandemic. Portugal's high vaccination rate has helped mitigate against serious illness and deaths among Mission personnel.

Question. How do you intend to improve morale at Mission Lisbon?

Answer. If confirmed, I will reach out to members of the team at all levels, including local staff, contractors, and family members of all the U.S. Government agencies represented at the Mission to learn about any concerns they may have and be an empowering, inclusive leader.

Question. How do you intend to create a unified mission and vision at Mission Lisbon?

Answer. If confirmed, I will work with the Mission's Country Team to develop innovative ways to achieve our goals in the recently updated Integrated Country Strategy. I will share our mission and vision widely and frequently to the entire team. I will create opportunities for frequent messaging and dialogue through events targeting the entire community, such as town hall discussions, awards and promotion ceremonies, community events, and other forms of active outreach.

Question. Management is a key responsibility for Chiefs of Mission. How would you describe your management style?

Answer. I have always believed in the importance of serving the community, and I have demonstrated an ability to work with colleagues of all backgrounds in a constructive manner. I regularly engage with members of my team and always seek to create a space for open dialogue and diversity of thought. If confirmed, I will work hard to foster an environment of respect as Mission Portugal carries out important work on behalf of the American people. I also believe in setting high standards and leading by example. Our employees are our most important asset. I am dedicated to professional development and helping employees grow and advance.

Question. Do you believe it is ever acceptable or constructive to berate subordinates, either in public or private?

Answer. No.

Question. How do you envision your leadership relationship with your Deputy Chief of Mission?

Answer. If confirmed, I will work closely with the Deputy Chief of Mission to advance U.S. priorities in Portugal, including protecting the safety and security of Americans, expanding our economic relationship, and advancing shared political priorities. I expect to have a positive working relationship and to work together closely.

Question. If confirmed, what leadership responsibilities do you intend to entrust to your Deputy Chief of Mission?

Answer. If confirmed, one of my first actions as ambassador will be to meet the entire team at Embassy Lisbon and Consulate Ponta Delgada, including the Deputy Chief of Mission. I will consult closely with the Deputy Chief of Mission on a range of issues and value the institutional knowledge provided. In general, I would expect the Deputy Chief of Mission to serve as the chief operating officer for the Mission, to liaise with the interagency at post and in Washington, manage implementation of the Administration's strategic goals, and co-lead efforts to build a cohesive team with good morale.

Question. In order to create and continue employee excellence at the Department, accurate and direct employee evaluation reports (EERs) for Foreign Service Officers are imperative, though often lacking. Do you believe that it is important to provide employees with accurate, constructive feedback on their performances in order to encourage improvement and reward those who succeed the most in their roles?

Answer. Yes. It is imperative that we use the performance evaluation process to give timely, honest, and constructive feedback to all employees to increase morale, improve job performance, and reward high performers.

Question. If confirmed, would you support and encourage clear, accurate, and direct feedback to employees in order to improve performance and reward high achievers?

Answer. Yes.

Question. It is imperative that U.S. diplomats get outside of posts abroad to meet with local actors, including host-government officials, non-government organizations, and fellow foreign diplomats stationed in Portugal. In your opinion, do U.S. diplomats get outside of our embassy walls enough to accomplish fully their missions?

Answer. Yes. Based on my knowledge of the Department and embassy operations overseas, U.S. diplomats have done a remarkable job to get outside our embassy walls and advance U.S. objectives by meeting local actors in diverse settings and environments. Understanding the health restrictions due to COVID–19 over the last two plus years, I wholeheartedly support Edward R. Murrow's view that the most crucial part of diplomacy happens in the last three feet. My background is people to people diplomacy. If confirmed, I will follow in the footsteps of the ambassadors who came before me and traveled the country extensively to connect with all facets of the Portuguese community.

Question. How do you intend to improve the ability of U.S. diplomats to better access all local populations?

Answer. At this time, U.S. diplomats in Portugal face no restrictions on their movement or interactions with the local population. If confirmed, I will encourage them to take full advantage of this environment to advance our interests with all sectors of the Portuguese populace.

I will also encourage staff to build and strengthen partnerships with outside entities including a separate Fulbright Commission, the media, non-governmental organizations, government ministries, alumni of our exchange programs, and the Luso-American Development Foundation.

Question. Public diplomacy is an important aspect of U.S. foreign policy efforts. What is the public diplomacy environment like in the Portugal?

Answer. Public diplomacy is a vital part of our mission. The Fulbright program in Portugal benefits 65-70 American and Portuguese scholars and students every year. The Portuguese news media scene is dominated by four main media groups and the Government of Portugal, including the Lusa wire agency, which reaches beyond Portugal to other Lusophone countries and to Portuguese communities abroad. Portuguese outlets are constantly seeking commentary and clarification from the U.S. Embassy. Public Diplomacy Section efforts focus on competing with PRC economic and public diplomacy initiatives; supporting transatlantic economic and trade relations; promoting U.S. culture, values, education, tourism and products; countering Russian malign activities; and highlighting the U.S. commitment to the Azores.

Question. What public diplomacy challenges do U.S. diplomats face there?

Answer. International state-controlled media outlets like Xinhua, Sputnik, and Russia Today compete against the U.S. Mission and independent western media outlets for influence in the Portuguese media space, making media monitoring and skilled engagement to push back against disinformation even more important. Our digital engagement efforts are key to engaging Portugal's current and future opinion leaders. While Portugal has a strong Fulbright Commission and a network of six

American Corners, the PRC continues to build their influence by offering full scholarships for all levels of education, as well as expanding their Confucius Center network. If confirmed, I will work to explore new educational partnerships.

Question. How do you balance the importance of Main State versus the in-country mission when it comes to tailoring public diplomacy messages for foreign audiences?

Answer. Unity of message is important in foreign policy, so when it comes to public messaging on policy issues, the U.S. Mission should and does depend on guidance from Main State. However, it is up to the in-country team members to provide local understanding of foreign audiences and context, build key bilateral and multilateral partnerships, and effectively tailor Washington's messages for the local context. Embassy Lisbon's public diplomacy team does that very well, and if confirmed, I'll make sure that we keep up that caliber of work.

Question. "Anomalous health incidents," commonly referred to as "Havana Syndrome," have been debilitating and sidelining U.S. diplomats around the world for years. They have caused serious, negative consequences for U.S. diplomacy, yet many believe that the Department is not doing enough to care for, protect, and communicate to its personnel. Have you received a briefing on anomalous health incidents? If you have not, and if you are confirmed, do you commit to receiving a briefing on the incidents before you depart for your post?

Answer. I have not yet received a briefing, but I commit to receiving one. If confirmed, there is nothing more important than the health and security of those working with me at Embassy Lisbon. I will consider it my primary responsibility to ensure the safety and security of the Mission Portugal Secretary Blinken prioritizes the Department's response to AHIs, setting clear goals for the Health Incident Response Task Force to strengthen the Department's communication with our workforce and provide care for affected employees and family members.

Question. In the event of an anomalous health incident among your embassy personnel or eligible family members, do you commit to maintain detailed records of the incident, and share the information with the State Department and other embassies to contribute to the investigation of how these attacks are affecting U.S. missions and personnel around the world?

Answer. Yes. If confirmed, I will do everything possible to ensure that employees who report a possible AHI receive immediate and appropriate attention and care and the incident is reported through appropriate channels.

Question. If confirmed, do you commit to taking this threat seriously?

Answer. Yes. If confirmed, there is nothing I will take more seriously than the health and security of the people who will be working with me.

Question. The past occurrences and ongoing threat of anomalous health incidents among embassy personnel and their families poses a serious challenge to morale. When personnel at post fear for their safety or doubt that their case will be taken seriously if they were affected, the performance of embassy operations can suffer. Whether or not anomalous health incidents occur at your embassy, how will you work to restore and preserve morale that may be lost due to the knowledge these attacks have been occurring at posts around the world?

Answer. If confirmed, I intend to continue the good work of our current leadership team. I will reach out to members of the team at all levels, including local staff, contractors, and the family members of all the U.S. Government agencies represented at the Mission to learn about their concerns.

Question. If confirmed, do you commit to talking as openly as you can to Mission Lisbon personnel?

Answer. Yes.

Human Rights and International Organizations

Question. In the State Department's 2021 Trafficking in Persons Report, Portugal was downgraded from Tier 1 to Tier 2 because of a lack of serious efforts to prosecute suspects and a lack of convictions of traffickers, among other reasons. How will you work with the Portuguese to address these issues if you are confirmed as Ambassador?

Answer. The Government of Portugal did not fully meet the minimum standards for the elimination of trafficking in 2021 but made significant efforts to do so. Multi-year patterns of decreases in several areas resulted in the downgrade to Tier 2. However, as a recognized leader on human rights issues, Portugal is well-placed to continue to take action to reinforce its TIP efforts. If confirmed, I look forward to

cooperating with Portugal to combat this transnational crime that affects our respective national security and am committed to partnering with Portugal to identify areas of progress that achieve tangible results to advance anti-trafficking efforts.

Question. What is your assessment of U.S. efforts to combat trafficking in country? Please explain in detail.

Answer. Despite the pandemic, Portugal made gains in several areas, to include investigating more suspects, awarding more restitution to victims, and updating its national referral mechanism. The Department's J/TIP office organized a training delivered by the Department of Justice's Human Trafficking Prosecution Unit in January 2021 and participated in the U.S.-Portugal strategic dialogue, which also addressed human trafficking. As a recognized leader on human rights issues, Portugal is well-placed to continue to take action to reinforce its TIP efforts, and if confirmed, I look forward to cooperating with Portugal to achieve tangible results together that advance anti-trafficking efforts.

Question. If confirmed as Ambassador, do you commit to raising human trafficking efforts in the first 100 days of your tenure?

Answer. Yes.

Question. In the State Department's 2020 International Religious Freedom report, Portugal was described to lack a societal respect for religious freedom, namely in the face of rising antisemitic and anti-Muslim rhetoric and behavior. What is your assessment of this particular issue?

Answer. Portugal's commitment to religious freedom is enshrined in its constitution that protects the freedom of religion and worship and prohibits religious persecution and discrimination. Overall, relations among different religious communities in Portugal are very good, and there have been few incidents of hate crimes against any religious groups in the last few years. If confirmed, I will use strategic outreach to advance a U.S. commitment to furthering understanding among people of all religious traditions and support cultural and religious diversity in Portugal. Culture and faith are key areas on which to build mutual understanding through dialogue. At the same time, if confirmed, I will closely monitor and condemn any acts of religious intolerance, including those that may target Jewish or Muslim communities.

Question. If confirmed, how will you work with the Ambassador-at-Large to bolster religious freedom in-country?

Answer. If confirmed, I will incorporate these topics into the mission's broader efforts to promote interfaith tolerance and the safety of religious, racial, and ethnic minority communities in Portugal. I will encourage the government at the national, state, regional, and local levels to take steps to improve protection for religious minority communities, places of worship, and other culturally meaningful sites, incorporating experience and expertise of those communities. I will also direct my Country Team to support encounters with minority communities that promote tolerance and respect for religious freedom and include community projects and interfaith coalitions. I will also empower local voices to speak out against hate crimes.

Question. What is your assessment of U.S. efforts to bolster religious freedom in Portugal?

Answer. Religious freedom and tolerance have played pivotal roles in Portugal's history. Embassy Lisbon has maintained strong contacts with government and religious representatives of Catholic, Muslim, Jewish, and Protestant groups across various religious freedom issues. If confirmed, I will seek to strengthen Mission Portugal's outreach to these communities and expand on our shared commitment to uphold and protect religious freedom and diversity.

Question. If confirmed as Ambassador, what is your plan to work with both Ambassadors-at-Large for Religious Freedom and Office to monitor and combat Antisemitism given the rise of antisemitic incidents in country?

Answer. If confirmed, I intend to work closely and seamlessly with the Ambassador-at-Large for International Religious Freedom, the Special Envoy to Monitor and Combat Antisemitism, and the Special Envoy for Holocaust Issues to continue to advocate for these priority issues. The Portuguese Government has been consistent in its commitment to Holocaust education, remembrance, and research. In May 2021, the Holocaust Museum of Porto opened its doors, the first on the Iberian Peninsula specifically dedicated to the Holocaust. The local Jewish community, some of whose members lost family in the Holocaust, helped establish the private museum. There are also plans to build a Jewish museum in Lisbon. If confirmed, I look forward to promoting Holocaust education and countering Holocaust distortion and

denial, countering antisemitism and prejudice in all forms, and protecting religious freedom.

Question. In the State Department's 2020 Human Rights Report, Portugal was reported as having significant human rights abuses to include corruption, domestic violence, child abuse, and acts of violence against minority groups. If confirmed, what steps will you take to address these instances with the host government?

Answer. Portugal has applauded the Administration's commitment to equality and the defense of human rights, and strongly welcomes U.S. leadership in these areas. If confirmed, I would be committed to advancing gender equity and equality, empowering women and girls, and working hard to prevent and respond to all forms of violence. Exchange programs also enable contacts to serve as force multipliers for the U.S. Embassy to advance equality and defend human rights for all. I would also increase engagement with local advocacy groups, NGOs, and government officials.

Question. How will you direct your embassy to work with civil society organizations to improve the human rights situation on the ground?

Answer. If confirmed, I will continue activities that support diversity and inclusion and human rights. I will seek to increase engagement with local advocacy groups, NGOs, and government officials to advance human rights, including those of the LGBTQI+ community, and showcase Post's own diversity, equity, and inclusion efforts.

Question. If confirmed, do you commit to raising human rights in the first 100 days of your tenure?

Answer. Yes.

East Asia and the Indo-Pacific

Question. What are the implications of China's investments in Portugal's energy industry, including its energy grid?

Answer. PRC-backed companies have sizable stakes in key sectors in Portugal like energy, construction, and insurance. China State Grid and China Three Gorges are, respectively, the largest shareholders in Portuguese energy grid operator REN and global utility EDP, two key players in Portugal's energy transition plans. The PRC also uses investments in Portugal to further gain an economic foothold in Lusophone countries through its companies and media.

Question. How will you engage with your Portuguese counterparts on this matter, if confirmed?

Answer. The depth and breadth of bilateral ties between Portugal and the United States show that our countries are fundamentally aligned in ways that the PRC and Portugal are not. However, many Portuguese politicians are relatively sanguine about the PRC based on Portugal's 500-year history of trading and investments in Macau and China. If confirmed, I will work closely with Portugal to address the significant challenges the PRC poses and strive to raise the awareness of the vital economic and national security significance of critical infrastructure, including 5G networks, to the Government of Portugal.

Question. The University of Lisbon has a partnership focused on Naval Architecture and Offshore Technology with Harbin Engineering University (HEU). HEU is one of China's Seven Sons of National Defense—the key universities with deep roots in, and ties with, the Chinese military and defense industry. Will you commit to prioritizing China-Portugal technology and defense partnerships that could undermine U.S. interests?

Answer. Yes. If confirmed, I commit to prioritizing awareness with the Government of Portugal as it related to Portuguese-Chinese technology and defense partnerships that undermine U.S. interests.

Question. How will you tackle this challenge, if confirmed?

Answer. While encouraging academic freedom, if confirmed, I will urge our allies and partners to practice careful oversight on academic collaboration with their PRC based academic partners, and strive to enhance awareness to prevent research that may be exploited by rival militaries or for human rights abuses.

Question. Portugal is a major hub for undersea cables, and industry where state-run and state-supported Chinese companies are making major strides vis-à-vis trusted vendors in the United States, the European Union, and Japan. Portugal has expressed some understanding of the need to keep untrusted vendors out of European cable networks. How will you advance U.S. interests on this issue in your engagements with Portugal, if confirmed?

Answer. Portugal is actively seeking to attract more undersea cables to establish itself as European gateway for digital connections. At the same time, the PRC continues to seek ways to increase science and technology cooperation with various Portuguese (mainland and Azorean) maritime institutions. This is concerning from a security perspective, and if confirmed, I will work hard to push back on the PRC's technological threats and build resilience to Beijing's economic coercion.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO RANDI CHARNO LEVINE BY SENATOR MARCO RUBIO

Golden Visas

Question. Portugal remains one of the few countries in the European Union to maintain its "golden visa" legislation. These golden visas, or officially, "investor visas," provide essentially residency and even citizenship to those with enough money to pay. Oligarchs in Russia and in the People's Republic of China use these programs to gain citizenship in Europe. If they gain citizenship in a country that participates in our Visa Waiver Program, that becomes a path for corrupt officials, responsible for human rights abuses, the ability to freely travel to the U.S. What is your opinion of Portugal's golden visa laws?

Answer. Our Mission must continue to facilitate strong connections between U.S. and Portuguese companies, investors, and entrepreneurs to carry out legitimate trade and develop new economic opportunities. As a member of the Visa Waiver Program (VWP), Portugal has a close security partnership with the United States on immigration and border screening. If confirmed, I will urge careful oversight of such programs and seek to maintain and enhance existing information sharing and law enforcement cooperation with Portugal.

Question. What is your opinion of proposals here that would make Portuguese nationals eligible for U.S. investor visas?

Answer. Our two nations already enjoy extensive cultural and economic ties. Bilateral trade in goods between the United States and Portugal reached $4.6 billion in 2020. Our bilateral relationship continues to serve as an important building block for our larger goal of revitalizing the transatlantic partnership. If confirmed, I will work to strengthen our mutual prosperity and economic growth by supporting and promoting efforts that increase investment in both countries. If the AMIGOS Act or equivalent legislation becomes law, I will facilitate Treaty Trader (E-1)/Treaty Investor (E-2) visas for qualified Portuguese passport holders.

Question. If confirmed, how would you work with the Portuguese Government to ensure that Portugal properly vets applicants to its golden visa program?

Answer. Portugal's participation in the VWP allows the United States to verify the identity document of travelers and determine whether these travelers represent a threat to the security of the United States and its citizens. If confirmed, I will seek to strengthen and expand existing cooperation with Portugal through robust information sharing and law enforcement cooperation, and jointly address global and regional threats and challenges. As with other VWP countries, the Department of Homeland Security assesses the immigration and border screening capabilities of foreign partners every two years, including the integrity of any citizenship-by-investment programs.

Afghan Refugees

Question. Portugal has been one of the countries most receptive to hosting Afghan refugees. Many of these refugees are Christians, military translators, and others that are at acute risk of oppression by the Taliban regime in Afghanistan. Many of them are supported by American organizations through funding and supplies to help these refugees rebuild a normal life in Portugal. What is your assessment of the Administration's plans for the eventual future for Afghan refugees currently in Portugal?

Answer. Since the relocation of our Afghan partners began in August, the Government of Portugal has been a trusted and indispensable partner in the effort to support at-risk individuals and their families from Afghanistan. The Portuguese continue to express a willingness to host these Afghan refugees, make them feel welcome, and help them adjust to life in Portugal. In addition, the Department is moving forward with refugee processing for Priority 1 and Priority 2 referred cases in Portugal.

Question. Do you believe the Portuguese Government will agree to indefinitely host them, or do you believe that Lisbon will want to resettle them in the U.S. or other third countries?

Answer. The Government of Portugal has offered asylum to the refugees who have entered their country and the Government has been clear that they intend to assist the refugees in making Portugal their permanent home. U.S. NGOs and private citizens are donating an estimated five million dollars to help fund these efforts. As I understand it, Embassy Portugal has received no requests from the Government of Portugal to resettle them in the United States.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. N. NICKOLAS PERRY BY SENATOR ROBERT MENENDEZ

Anomalous Health Incidents

Question. I am very concerned about directed energy attacks on U.S. Government personnel (so-called Anomalous Health Incidents). Ensuring the safety and security of our personnel abroad falls largely on individual Chiefs of Mission and the response of officers at post. It is imperative that any individual who reports a suspected incident be responded to promptly, equitably, and compassionately.

- Do you agree these incidents must be taken seriously, and pose a threat to the health of U.S. personnel?

Answer. Yes. I take nothing more seriously than the health and security of the people who will work with me, should I be confirmed, and I will ensure that any reported incident that falls under my Chief of Mission authority will receive an appropriate medical and security response. Secretary Blinken prioritizes the Department's response to Anomalous Health Incidents (AHIs), setting clear goals for the Health Incident Response Task Force to strengthen the Department's communication with its workforce and providing care for affected employees and family members.

Question. If confirmed, do you commit to ensuring that any reported incident is treated seriously and reported quickly through the appropriate channels, and that any affected individuals receive prompt access to medical care?

Answer. Yes. If confirmed, I will do everything possible to ensure that employees who report a possible AHI receive immediate and appropriate attention and care and the incident is reported through appropriate channels.

Question. Do you commit to meeting with medical staff and the RSO at post to discuss any past reported incidents and ensure that all protocols are being followed?

Answer. Yes. If confirmed, I will take nothing more seriously than the health and security of the people working at U.S. Embassy Kingston. I commit to working with health and security officials and other parties as recommended to establish and maintain appropriate protocols and ensure a healthy working environment for both Americans and local staff.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. N. NICKOLAS PERRY BY SENATOR JAMES E. RISCH

General

Question. If confirmed, do you commit to placing your personally owned rental property in Jamaica into a trust that neither you nor any member of your immediate family controls so that you can ensure there will be no perceived or real conflict of interest from serving as the U.S. Ambassador to a country where you have financial gain?

Answer. Since the announcement of the President's intent to appoint me, my wife and I decided to cease making our privately owned property available for rentals. We directed the property manager to implement this decision and the property is now only for private use.

If confirmed, I commit to conduct all my public, personal, and private business affairs in a manner that is always in full and complete compliance with the highest ethical standard required for the office of the U.S. Ambassador.

Counter Narcotics

Question. According to the State Department's 2021 International Narcotics Control Strategy Report, Jamaica is the largest Caribbean supplier of marijuana to the United States and a transit point for cocaine trafficked to the United States and other markets.

- Please describe your understanding of the areas in which the U.S. and Jamaica can improve bilateral efforts to target narcotics trafficking in Jamaica and the Caribbean writ large.

Answer. I understand U.S.-Jamaican collaboration on matters of law enforcement and citizen security is excellent, overall. We share the same goals and the same commitment to combating transnational organized crime and protecting our citizens.

The United States and Jamaica work collaboratively on a wide range of issues designed to address crime and violence affecting Jamaican citizens and enhance the security of the American homeland. We do this principally through the Caribbean Basin Security Initiative (CBSI). Our security cooperation with Jamaica under CBSI addresses shared security priorities including maritime law enforcement, border and port security, firearms trafficking, transnational crime, gangs, law enforcement and justice sector capacity building, and youth crime and violence prevention. The United States also works with the Jamaican Constabulary Force Narcotics Unit and the Jamaican Defense Force's Coast Guard to strengthen border security, conduct interdiction operations, dismantle networks engaged in illicit trafficking, and cooperate on maritime interdiction of illegal narcotics. If confirmed, I will work hard to see that this collaboration between our countries continues to increase.

Question. If confirmed, how will your approach to countering drugs and crime be different from the U.S. Government's previous policies, which have not yielded sustained positive results?

Answer. I understand the 26 U.S. Government agencies that make up the Embassy in Kingston provide capacity building assistance to aid law enforcement and criminal justice actors, including Jamaican courts, the Jamaican Constabulary Force, and the Jamaican Defense Force. The United States made substantial progress through the Caribbean Basin Security Initiative in combating narcotics trafficking and transnational crime and increasing citizen security. I recognize that U.S. programs need to continue to evolve to meet the most significant threats and challenges we face in Jamaica, including sustained work to combat gangs, corruption, financial crimes, and other emerging issues.

Question. In 2019 Jamaica became a participant in the Chinese Communist Party's (CCP) Belt and Road Initiative. What specific actions will you take to highlight the consequences of the CCP's non-transparent and coercive economic, financial, and lending practices in order to counter its negative influence in the Caribbean?

Answer. The United States encourages our partners to follow international best practices for investments and trade that meet high standards in terms of transparency, adherence to anti-corruption standards, debt sustainability, labor rights, environmental best practices, and addressing the needs and concerns of local communities. We urge partners to develop investment screening mechanisms to ensure that untrusted vendors do not gain access to or influence over critical infrastructure or sensitive sectors. Untrusted vendor investment in critical infrastructure and sensitive sectors opens partners and the United States up to national security and data privacy risks.

If confirmed, I will seek to ensure that Jamaica's leaders are aware of the PRC's opaque policies and financing practices that do not meet international standards and undermine countries' critical infrastructure security, the rules-based international order, fair global market competition, or human rights.

Question. In 2020, Jamaica accepted over 140 Cuban doctors to provide medical services as part of a COVID–19 agreement. Do you agree that these Cuban medical missions are a form of human trafficking and if so, what would you do to highlight this issue with the Jamaican Government?

Answer. I understand there are serious and ongoing concerns about allegations of forced labor in Cuba's international missions' program, one of the Cuban Government's largest sources of revenue. If confirmed, I will urge Jamaican authorities to take the necessary steps to prevent forced labor and seek transparency on contractual agreements between the Cuban Government and Cuban overseas workers, to screen those associated with this program for trafficking indicators, and to protect those victims identified. I will commit to continued high-level diplomatic engagement with the Jamaican Government on this issue and others that relate to our shared support for human rights.

Question. What is your understanding of morale throughout Mission Kingston?

Answer. I understand that the stress of the pandemic, along with the loss of several Mission staff, had a profound impact on Mission Kingston. Nevertheless, the Mission staff, both American and local staff, have lived up to the highest standards of the Department by continuing to perform at the very highest level, advocating for U.S. interests and bilateral cooperation related to political and economic issues, managing development programs, and providing citizen services to Americans in distress. I applaud their dedication and, if confirmed, it will be my honor to lead such an outstanding group of public servants.

Question. How do you intend to improve morale at Mission Kingston?

Answer. The morale, well-being, and safety of all mission employees will be one of my top priorities as Ambassador, if confirmed. I will work with Embassy leadership to ensure there are proper resources in place for all employees to contribute to the Mission's success. I will also make every effort to ensure that all employees are aware that I care about them, that I want to hear from them, and that it is my duty to try to address their concerns.

Question. How do you intend to create a unified mission and vision at Mission Kingston?

Answer. If confirmed, I am committed to working with my entire Embassy team, including all 26 agencies represented there, to ensure that we operate as a single team in the service of the citizens of the United States, our government, and the strengthening of our relationship with the people and Government of Jamaica. In carrying out our mission, I will strive to ensure that Mission Kingston has a diverse and inclusive workforce where all employees are respected and treated equitably.

Management is a Key responsibility for Chiefs of Mission

Question. How would you describe your management style?

Answer. I would describe my management style as a combination of democratic management and coaching management. I admire democratic management since I believe good leadership is rooted in collaboration. I also appreciate the value of the coaching management style in which a leader is committed to the ongoing development of his staff and works to identify what motivates each employee so that the manager can identify their strengths and weaknesses and help them to become better professionals.

Question. Do you believe it is ever acceptable or constructive to berate subordinates, either in public or private?

Answer. It is never acceptable or constructive to berate a subordinate, in public or in private. I believe such conduct demonstrates a lack of control and is antithetical to creating a positive and productive workplace.

Question. How do you envision your leadership relationship with your Deputy Chief of Mission?

Answer. An effective Embassy requires a smooth, complementary relationship in the Front Office between the Ambassador and the Deputy Chief of Mission. I recognize that a senior Foreign Service Officer will be of great value to the Embassy in Kingston and it will be my responsibility to work with them in a way that takes advantage of their talents and experience, from coordinating the implementation of the Integrated Country Strategy to ensuring harmony and synchronization of the 26 agencies that make up the Mission. If confirmed, I look forward to sitting down with the Deputy Chief of Mission and devising a relationship that ensures the success of our important work in Jamaica on behalf of the United States.

Question. If confirmed, what leadership responsibilities do you intend to entrust to your Deputy Chief of Mission?

Answer. If confirmed, I anticipate the Deputy Chief of Mission will be key to three Mission priorities: the effective implementation of the Integrated Country Strategy by the Country Team; advocating for U.S. interests and enhanced bilateral cooperation; and serving as my principal counsel on anything relating to our staff and their welfare.

Question. In order to create and continue employee excellence at the Department, accurate and direct employee evaluation reports (EERs) for Foreign Service Officers are imperative, though often lacking.

- Do you believe that it is important to provide employees with accurate, constructive feedback on their performances in order to encourage improvement and reward those who succeed the most in their roles?

Answer. It is absolutely important to provide all employees, from entry-level officers to members of my senior staff, with accurate and constructive feedback. It is essential to their professional development, and I am committed to making that a hallmark of my service in Jamaica, if confirmed.

Question. If confirmed, would you support and encourage clear, accurate, and direct feedback to employees in order to improve performance and reward high achievers?

Answer. I believe clear, accurate, and direct feedback is essential to the management of all employees., I want to ensure everyone on our team is pulling their weight and contributing to our success. That will only be done if everyone receives the feedback they require.

Question. It is imperative that U.S. diplomats get outside of posts abroad to meet with local actors, including host-government officials, non-government organizations, and fellow foreign diplomats stationed in Jamaica.

- In your opinion, do U.S. diplomats get outside of our embassy walls enough to accomplish fully their missions?

Answer. I understand U.S. diplomats need to get outside of the Embassy to meet contacts and assess local conditions, taking the appropriate precautions related to prevalent violent crime and the pandemic. As with many things, we should always strive to do better, and if confirmed, I will certainly encourage the Embassy Kingston staff to engage as much as conditions allow.

Question. How do you intend to improve the ability of U.S. diplomats to better access all local populations?

Answer. If confirmed, I intend to set the pace for the rest of my team. I plan to get out and see as many Jamaicans as possible, to share U.S. views and listen to their concerns, and to showcase the great programs that the U.S. Government is conducting in Jamaica. As much as possible, if confirmed, I will encourage embassy staff to interact with Jamaicans from all walks of life.

Public diplomacy is an important aspect of U.S. foreign policy efforts

Question. What is the public diplomacy environment like in Jamaica?

Answer. I understand U.S. Embassy Kingston has thriving and dynamic public diplomacy (PD) programs and engagements involving media, educational, and cultural institutions. By and large, Jamaicans are favorable toward our messaging and are eager to participate in our PD programs.

The Embassy manages a variety of U.S.-sponsored cultural and educational exchange programs, including the Fulbright Program, International Visitor Leadership Program (IVLP), the Young Leaders of the Americas Initiative (YLAI), and other ad hoc exchanges. We have great working relationships with government ministries and NGOs.

The Embassy enjoys a strong working relationship with the local media, and it has a monthly article and radio program highlighting consular issues. The daily newspapers print the majority of embassy press releases, and the mission is able to garner interest for press conferences and interviews with Embassy officials.

Question. What public diplomacy challenges do U.S. diplomats face there?

Answer. The COVID pandemic has substantially altered our public diplomacy efforts. I understand the Embassy was able to pivot in order to engage and message digitally when the COVID–19 pandemic made in-person events impossible. However, schools, NGOs, and civil society organizations in Jamaica often lack the resources and connectivity to participate in virtual programs with the Embassy. If confirmed, I will encourage staff to broaden our public engagement options and think creatively about how we can interact with more Jamaicans from a wide variety of backgrounds.

Question. How do you balance the importance of Main State versus the in-country mission when it comes to tailoring public diplomacy messages for foreign audiences?

Answer. I understand the State Department's bureaus and overseas missions work hand-in-hand on public diplomacy. In doing so, they create messaging about key policy priorities that resonate with the local audience and design educational and cultural programs that further U.S. goals of economic growth, respect for human rights, strengthening civil society, protecting the environment, and embracing diversity.

Question. "Anomalous health incidents," commonly referred to as "Havana Syndrome," have been debilitating and sidelining U.S. diplomats around the world for

years. They have caused serious, negative consequences for U.S. diplomacy, yet many believe that the Department is not doing enough to care for, protect, and communicate to its personnel.

- If confirmed, do you commit to taking this threat seriously?

Answer. Yes. I take nothing more seriously than the health and security of the people who will work with me, should I be confirmed, , and I will ensure that any reported incident that falls under my Chief of Mission authority will receive an appropriate medical and security response. . I understand Secretary Blinken prioritizes the Department's response to Anomalous Health Incidents (AHIs), setting clear goals for the Health Incident Response Task Force to strengthen the Department's communication with its workforce and providing care for affected employees and family members.

Question. If confirmed, do you commit to talking as openly as you can to Mission Kingston personnel?

Answer. Yes. If confirmed, I commit to speaking as openly as possible to mission personnel and working with health and security officials as recommended to establish and maintain appropriate protocols and ensure a healthy working environment for both Americans and local staff.

Question. In the State Department's 2021 Trafficking in Persons Report, Jamaica remained on Tier 2 due to sustained efforts to meet the minimum standards to eliminate trafficking, including a sizable conviction.

- How will you work with the Jamaican Government to address these ongoing issues if you are confirmed as Ambassador?

Answer. I understand that the Government of Jamaica takes the Department's annual reporting on trafficking in persons very seriously, and the Holness administration is a committed partner in combatting these issues. The 2021 TIP Report acknowledged the Government's progress in applying stringent penalties to a convicted trafficker and ensuring restitution paid to a victim. However, the Jamaican Government continues to struggle with low numbers of victims identified and assisted, and few prosecutions and convictions. If confirmed, under my leadership, the U.S. Government and its implementing partners will seek to strengthen the Jamaican Government's capacity to combat human trafficking, provide victim services training, and engage in high-level dialogue with the Jamaican Government to keep them focused on victim identification and protection, prosecution of criminal actors, and community-based prevention.

Question. What is your assessment of U.S. efforts to combat trafficking in country? Please explain in detail.

Answer. The U.S. Government heavily invested in building the capacity of the Jamaican Government to combat human trafficking in Jamaica. Under the U.S.-Jamaica Child Protection Compact (CPC) Partnership, the Office to Monitor and Combat Trafficking in Persons invested nearly $6.7 million to bolster the Government of Jamaica's efforts to address this issue. The CPC Partnership is a jointly developed, multi-year plan that builds on existing efforts to prosecute and punish perpetrators of child trafficking; identify child trafficking victims and coordinate the provision of comprehensive protective services; and prevent child trafficking from occurring. Both our governments committed to working collaboratively in Jamaica over four years to achieve improved and sustainable policies and practices to meet the CPC Partnership's objectives. If confirmed, I will seek to continue these projects alongside our deep engagement to build the capacity of a broad range of local civil society organizations with the local knowledge and expertise to support efforts to combat human trafficking.

Question. If confirmed as Ambassador, do you commit to raising human trafficking efforts in the first 100 days of your tenure?

Answer. If confirmed, I am committed to continually improving and expanding our efforts to combat human trafficking in Jamaica. The Government of Jamaica is a strong and willing partner in these efforts, and we look forward to growing our partnership with them, local civil society organizations, and U.S.-based implementing partners to continue making headway on this issue. I commit to the prioritization of the fight against trafficking in persons during my first 100 days and throughout my tenure.

Question. In the State Department's 2020 International Religious Freedom report, the U.S. Embassy was noted as being regularly engaged with civil society to encourage positive discourse and action as it relates to religious freedom.

- What is your assessment of this particular issue?

Answer. Jamaica's constitution firmly guarantees freedom of religious belief, and this freedom is backed up by a robust array of civil society organizations that the Embassy regularly works with. If confirmed, I'll stand by the Jamaican peoples' right of religious freedom. Moreover, continued stigma against members of the Rastafarian community and legal discrimination against LGBTQI+ Jamaicans, supported by some religious groups and leaders, are issues which require continuing discourse and attention. If confirmed, I will ensure the Embassy will continue working to address them.

Question. If confirmed, how will you work with the Ambassador-at-Large to bolster religious freedom in-country?

Answer. I understand Embassy Kingston regularly convenes diverse faith groups and civil society organizations to promote positive discourse on the topics of religious freedom and tolerance. Religious freedom is a U.S. foreign policy priority, and the Department continues to monitor the religious freedom situation in Jamaica. If confirmed, I will work the Ambassador-at-Large for International Religious Freedom (IRF) and other stakeholders to ensure all citizens enjoy their freedom of religion and equal protection as stated in the constitution.

Question. In the State Department's 2020 Human Rights Report, Jamaica was identified as having serious human rights issues and abuses, like corruption, sex and labor trafficking, and poor prison conditions, among others.

- If confirmed, what steps will you take to address these instances with the host government?

Answer. The Biden-Harris administration prioritizes the advancement of human rights, democracy promotion, and the fight against corruption, which was on display during the December 2021 Summit for Democracy. If confirmed, I will continue to raise the U.S. Government's human rights priorities with our partners in the Government of Jamaica at the highest levels. Prime Minister Andrew Holness delivered remarks at the Summit for Democracy that committed Jamaica to advancing human rights in Jamaica and multilateral fora. Curbing police abuses, human rights violations, and corruption will be top priorities in our security and economic partnerships with the Jamaican Government, private sector, media, civil society organizations, and marginalized communities, and the Embassy will continue to be deeply involved at nearly every level of the Jamaican Government's efforts to combat human trafficking.

Question. How will you direct your embassy to work with civil society organizations to improve the human rights situation on the ground?

Answer. A key priority for Embassy Kingston is supporting and building the capacity of Jamaica's many robust civil society organizations working to strengthen the rule of law, curb corruption, and provide support for human rights defenders in the country. Through programs such as the U.S.-Jamaica Child Protection Compact (CPC) Partnership, the Embassy directs substantial funding to implementing partners who train and support Jamaican Government agencies in combatting the scourges of human trafficking and related issues. If confirmed, I will continue to convene civil society organizations focused on fighting corruption to build stronger partnerships, share lessons learned, identify resource opportunities, better inform our reporting to Washington and Congress, and guide our conversations with partners in the Jamaican Government on these issues.

Question. If confirmed, how will you work with the Coordinator on Global Anti-Corruption on corruption issues in country?

Answer. If confirmed, I look forward to partnering with the new Coordinator on Global Anti-Corruption in our efforts to better combat corruption and the problems it feeds such as gang violence, drug trafficking, and financial scams targeting vulnerable Americans. I will also seek to enhance the Embassy's anti-corruption efforts by pursuing the full suite of U.S. Strategy on Countering Corruption Pillar 5 lines of action that would include publicly supporting Jamaica's robust civil society, journalists, and anti-corruption activists and government anti-corruption institutions, such as the Auditor General's Department, the Major Organized Crime Agency, Integrity Commission, Office of the Director of Public Prosecutions, and Financial Investigations Division.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. N. NICKOLAS PERRY BY SENATOR MARCO RUBIO

Question. Jamaica has become a target of considerable lending through the Chinese Communist Party's Belt and Road Initiative (BRI). Since 2005, Jamaica has received about $2.1 billion in financing from Chinese sources for road construction, housing, entertainment centers, hospitals, schools and even government buildings. Almost $1.2 billion have been to critical industries, like the mining of bauxite, transportation and energy. Capping off this lending, Jamaica formally joined the Belt and Road Initiative in 2019. Although Jamaican officials are confident that these loans can be repaid, they have notably become more reluctant to receive more funding.

- Do you agree that China's Belt and Road Initiative is predatory lending?

Answer. The United States encourages our partners to follow international best practices for investments and trade that meet high standards in terms of transparency, adherence to anti-corruption standards, debt sustainability, labor rights, environmental best practices, and addressing the needs and concerns of local communities. The United States urges partners to develop investment screening mechanisms to ensure that untrusted actors do not gain access to or influence over critical infrastructure or sensitive sectors. Untrusted actor investment in critical infrastructure and sensitive sectors opens partners and the United States up to national security and data privacy risks.

If confirmed, I will seek to ensure that Jamaica's leaders are aware of the PRC's opaque policies and financing practices that do not meet international standards, undermine countries' critical infrastructure security, the rules-based international order, fair global market competition, and human rights.

Question. If confirmed, will you support efforts by U.S.-backed international financial institutions to provide enhanced investment to Jamaica, including by providing a 10th capital increase to the Inter-American Development Bank?

- In addition to your home state of New York, the largest concentration of Jamaican-Americans reside in my home state of Florida. They maintain close ties with their relatives in Jamaica, and many U.S. companies have business presence in the Caribbean island. Remittances from these communities also form a substantial source of Jamaican GDP.

Answer. The Jamaican Government undertook a six-year economic reform program with support from the IMF prior to the COVID–19 pandemic which ensured it had the resources to help its citizens. The Holness administration made impressive gains in reducing public debt. If confirmed, I will urge the Holness administration to continue on a path that assures international financial institutions and potential American investors of Jamaica's fiscal stability, accountability, and welcoming business environment. If confirmed, I will support greater investments by the Inter-American Development Bank in projects that help Jamaica address its development needs in a responsible and sustainable fashion. Discussions on the IDB's resources should occur from the bottom up, taking into account the views of all shareholders and IDB Management and fulsome analyses of financial conditions, the use of resources and how it relates to the region's challenges, and the IDB's role within the larger financing and policy landscape for the region.

Jamaica and the United States have long enjoyed a very close relationship built upon shared values, trade, cultural ties, tourism, and the diaspora community. If confirmed, I will work to strengthen those ties, especially with the diaspora community. I will also focus on expanding and enhancing our trade and investment relationship with Jamaica. If confirmed, I will work to increase the awareness of the opportunities that exist for U.S. businesses outside of the tourism and hospitality sectors.

Question. If confirmed, what are your top priorities to support economic and cultural ties between Jamaica and the Jamaican-American community?

Answer. If confirmed, I believe my life experience will contribute to a strengthening of the ties between Jamaican-Americans and their homeland. I will meet with Jamaican-American groups to hear their views on how we can encourage enhanced economic ties between them and Jamaica to the benefit of both countries. I will also support the Embassy's cultural and educational exchanges that enable Americans and Jamaicans to share ideas and learn from each other. Each of these areas will be important as we make the U.S.-Jamaican relationship even stronger.

Question. Since the 1990s, drug violence has plagued Jamaica, which continues to experience high rates of crime and violence. The country still has the highest

homicide rate in the entire Latin America and Caribbean region, at 45.5 per 100,000 people.

- How would you work to improve ongoing anti-drug efforts to prevent drugs from coming to U.S. from Jamaica?

Answer. I understand U.S.-Jamaican counter-narcotics collaboration is excellent, overall. We share the same goals and the same commitment to combatting transnational organized crime and protecting our citizens.

The United States and Jamaica work collaboratively on a wide range of issues designed to address drugs and crime. We do this principally through the Caribbean Basin Security Initiative (CBSI). Jamaica is one of thirteen Caribbean countries that partners with the United States to advance three overarching, complementary goals: reduce illicit trafficking, improve public safety and security, and prevent youth crime and violence in the Caribbean. Our security cooperation with Jamaica under CBSI addresses shared security priorities including maritime law enforcement, border and port security, firearms trafficking, transnational crime, gangs, law enforcement and justice sector capacity building, and youth crime and violence prevention.

U.S. assistance also supports the Jamaican Government's capacity to secure and monitor its borders and territorial seas through training and technical assistance to the Jamaican Defense Force.

If confirmed, I will work hard to see that this collaboration between our countries continues to increase as we seek to reduce the flow of drugs that transit Jamaica and enter the United States.

Question. What is your view of the current Holness Government's approach to combating violence and drug trafficking, specifically by creating local states of emergencies?

Answer. I understand that the Holness administration is working hard to reduce the high level of crime, especially homicide, plaguing the country. Crime in Jamaica is a special concern because of the number of U.S. citizens who reside or visit the country. The 26 U.S. Government agencies that make up the Embassy in Kingston provide capacity building assistance to aid local criminal justice actors, including Jamaican courts, the Jamaican Constabulary Force, and the Jamaican Defense Force, and support other efforts to reduce violence. This includes programs under the Caribbean Basin Security Initiative to reduce illicit trafficking, improve public safety and security, and prevent youth crime and violence in the Caribbean.

If confirmed, I will work to ensure that we maintain our close relationship with Jamaican authorities and civil society groups aimed at reducing the level of violence and countering drug trafficking.

Correspondence from The Inter Jewish Muslim Alliance, Supporting Dr. Deborah E. Lipstadt's Nomination to be Special Envoy to Monitor and Combat Antisemitism

IJMA

Inter Jewish Muslim Alliance

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Inter Jewish Muslim Alliance

February 7, 2022

The Hon. Robert Menendez
The Hon. James Risch
Chairman and Ranking Member
U.S. Senate Committee on Foreign Relations
423 Dirksen Senate Office Building
Washington, DC 20510-6225

Re: Support for the Nomination of Professor Deborah Lipstadt as U.S. Special Envoy to Monitor and Combat Antisemitism

Dear Chairman Menendez and Ranking Member Risch:

We are writing as members of the Inter Jewish Muslim Alliance (IJMA), a bipartisan coalition of American Jewish and Muslim leaders, to express our full and enthusiastic support for the nomination of Professor Deborah Lipstadt to be U.S. Special Envoy to Monitor and Combat Antisemitism, with the rank of Ambassador. We call on the Senate Committee on Foreign Relations, followed by the full Senate, to confirm Professor Lipstadt to this critical post.

At a time of growth in antisemitism abroad, this position, which was created by an act of Congress, is vital and urgent. President Biden nominated her in July 2021.

IJMA was founded in January 2019 by individuals and communal organizations of the Jewish and Muslim communities to pursue projects that serve the interests of the entire nation. We promote understanding, civility and comity between our two communities as a model of American pluralism. One of our priority projects is

addressing bigotry in each community directed towards the other community, through outreach and educational efforts. We address the most difficult issues in the Muslim-Jewish relationship. For instance, during the latest conflict between Israel and Hamas in May of last year, IJMA members unanimously agreed to a public statement against antisemitism and expressing sympathy for the victims of the conflict, the only Muslim-Jewish statement of its kind.

Professor Lipstadt is one of our nation's foremost experts on modern antisemitism. In both her scholarship on the history of antisemitism and on the multifarious forms that it takes today, and in her advocacy on responses to current manifestations of what is often described as "the world's oldest hatred," Professor Lipstadt has acted without fear or favor in calling out Jew hatred, from whatever place on the political spectrum and under whichever guise it may appear.

Importantly, Professor Lipstadt well understands, and has acted upon, the need to build relationships with and act in coalition with other faith communities in the battle against antisemitism and against all other forms of hatred and bigotry.

At a time when it is crucial that US demonstrate leadership in response to the growing presence of antisemitism internationally, we urge the Senate to move with urgency to confirm Professor Lipstadt as Special Envoy to Monitor and Combat Antisemitism, a role for which she is especially suited.

Respectfully,

The Inter Jewish Muslim Alliance (IJMA)

Mohamed Abubakr, President of the African Middle Eastern Leadership Project
Atiya Aftab, Co-founder of the Sisterhood of Salaam-Shalom
Majid Alsayegh, Chairman of the Dialogue Institute
Adnan Ansari, Executive Director of Muflehun
Imam Abdullah Antepli, Duke University professor and co-director of Muslim Leadership Initiative of the Shalom Hartman Institute
Georgette Bennett
David Bernstein, Founder, Jewish Institute for Liberal Values
Marshall Breger, Professor of Law at Catholic University
Rabia Chaudry, attorney and author
Richard S. Cohen, President of The Walden Group and Marcia's Light Foundation
Richard Foltin, religious freedom policy expert and advocate
Maital Friedman, co-director of Muslim Leadership Initiative of the Shalom Hartman Institute

S.A. Ibrahim, former CEO of Radian Group Inc. and interfaith leader
Rizwan Jaka, Chair of Interfaith & Government Relations, All Dulles Area Muslim Society
Suhail Khan, Vice President of IJMA
Moses Libitzky, businessman and community leader in the San Francisco Bay Area
Rabbi Jack Moline
Melanie Nezer, Senior Vice President of HIAS
Sheryl Olitzky, Co-founder of the Sisterhood of Salaam-Shalom
Daphne Price, Co-founder of IJMA
Rabbi David Saperstein, Religious Action Center of Reform Judaism
Max Sevillia, Vice President for Government Relations, the Anti-Defamation League (ADL)
Imam Talib Shareef, Masjid Muhammad, the Nation's Mosque, and
Vice Commander of the Muslim Americans Veterans Association
Robert Silverman, President of IJMA
Halie Soifer, CEO of the Jewish Democratic Council of America
Rabbi David Wolpe, Max Webb Senior Rabbi, Temple Sinai, Los Angeles

Correspondence from Senator James Lankford, U.S. Senator for Oklahoma, Supporting Dr. Deborah E. Lipstadt's Nomination to be Special Envoy to Monitor and Combat Antisemitism

HON. JAMES LANKFORD,
U.S. SENATOR FOR OKLAHOMA,
U.S. Senate, Washington, DC.

HON. ROBERT MENENDEZ,
CHAIRMAN, COMMITTEE ON FOREIGN RELATIONS,
U.S. Senate, Washington, DC.

HON. JAMES E. RISCH,
RANKING MEMBER, COMMITTEE ON FOREIGN RELATIONS,
U.S. Senate, Washington, DC.

The United States should remain a leader in calling out and condemning instances of antisemitism in our nation and around the world. It is up to all leaders – in families, in communities, in faith-based organizations and at all levels of government to denounce antisemitism and to ensure Jewish communities know that we stand with them.

As co-chairs of the Senate's Bipartisan Taskforce for Combatting Antisemitism, Senator Rosen and I continue to work together to take specific steps to address and prevent antisemitism. We have led our colleagues in a number of efforts to condemn anti-Semitic actions, supported Holocaust education efforts and worked to ensure houses of worship and faith-based organizations that are experiencing threats of anti-Semitic violence can access funding for necessary security.

While our efforts continue to drive action in and from the United States Senate, it is important that the we also prioritize a whole of government approach to turning the tide against all forms of antisemitism, so that when we say, 'never again,' we can demonstrate that we mean it.

Unfortunately, antisemitism has been rising at an alarming rate. These trends have been recorded by the United States government, including the Department of Justice, the United States Commission on International Religious Freedom (USCIRF) and the Department of State.

The position of U.S. Special Envoy to Monitor and Combat Antisemitism has been elevated to the level of ambassador now requires advice and consent from the Senate. I am grateful that Chairman Menendez and Ranking Member Risch have included the nomination of Dr. Deborah E. Lipstadt for this position in today's hearing.

I have met with Dr. Lipstadt and am impressed by her unwavering commitment to combat antisemitism. I recognize and share the concerns some have based on the social media posts by Dr. Lipstadt that have surfaced during her nomination process, particularly those relating to Members of Congress. It is important that any nominee to this position use discretion and remain nonpartisan to ensure our nation's efforts to combat antisemitism are not thwarted by political divisions. Dr. Lipstadt has made it clear to me that she agrees this position requires such a perspective.

Dr. Lipstadt has been an out front leader on antisemitism for decades, as demonstrated by her valiant efforts to combat Holocaust deniers, her dedication to educating her students on the history, culture and beliefs of the Jewish people, and her commitment to shining a light on antisemitism, wherever it may arise.

As members of this Committee know well, the State Department's Special Envoy to Monitor and Combat Anti-Semitism works to promote accurate Holocaust education, improve the safety and security of at-risk Jewish communities, ensure foreign public officials condemn anti-Semitic discourse, and strengthen foreign judicial systems in their prosecution of anti-Semitic incidents.

Among other tasks, Dr. Lipstadt, if confirmed, will be the one responsible for leading, developing and implementing these efforts by working closely with foreign governments, intergovernmental organizations, and civil society.

Unfortunately, Jewish communities have faced continued threats, violence and mockery during acts of worship, at synagogues, and at Jewish-owned businesses. The premise of this office is intended to act as a spotlight on incidents of antisemitism as it works to promote a society where individuals can be free and safe to live their faith.

It is vital that the United States swiftly fill this position, which will act as the driving force behind the efforts of the United States and combat antisemitism worldwide.

NOMINATIONS

THURSDAY, MARCH 3, 2022

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

The committee met, pursuant to notice, at 10:45 a.m., in Room SD–106, Dirksen Senate Office Building, Hon. Edward J. Markey presiding.

Present: Senators Markey [presiding], Murphy, Kaine, Booker, Van Hollen, Risch, Romney, Young, and Cruz.

OPENING STATEMENT OF HON. EDWARD J. MARKEY, U.S. SENATOR FROM MASSACHUSETTS

Senator MARKEY. This nominations hearing of the Senate Foreign Relations Committee will come to order.

We are here today to consider nominees for four crucial positions: the Honorable Alina Romanowski to serve as Ambassador to the Republic of Iraq; Mr. Douglas Hickey to serve as Ambassador to the Republic of Finland, Mr. Steven Fagin to serve as Ambassador to the Republic of Yemen; and the Honorable Erin McKee to serve as Assistant Administrator for the United States Agency for International Development—USAID—for Europe and Eurasia.

I would like to congratulate each of you on your nominations, thank you for your service, and thank your families who have supported you and will continue to support you in your service to our country.

I understand that Senator Kaine would like to introduce Mr. Hickey for Ambassador to Finland.

But let me turn first—would the ranking member of the full committee, Senator Risch, like to say a word?

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

Senator RISCH. Very briefly, with the permission of Senator Kaine. I know Senator Kaine and Mr. Hickey are well acquainted.

Mr. Hickey hails from Idaho and this is a man that is well suited for the position that he has been nominated for. Like a lot of these, when we get a really good one, he did not seek it out but the request came knocking and he answered, and has an outstanding background in the business community.

But he also has very significant experience in the past on diplomatic matters. So I think you will find him really qualified for this job.

And right now, this is an important position that we are talking about. Finland, we all know, is not a member of NATO. They are having second thoughts, for obvious reasons, and I think all the encouragement that we can give them, particularly now when the person—the entity that does not want them—does not want Finland there cannot do much about it because they are otherwise occupied, and we hope you will continue to encourage that.

Mr. Hickey, thank you, and thank you to all of you who are willing to take these positions and to serve. We are in a unique time right now. We hope things calm down quickly. But it looks like we may be in for the long haul. So all of you are going to have your hands full.

So with that, I am going to excuse myself, as I have some other things that I have to attend to. Thanks so much.

Senator MARKEY. Thank you, Senator Risch.

Senator Kaine?

STATEMENT OF HON. TIM KAINE,
U.S. SENATOR FROM VIRGINIA

Senator KAINE. Thank you, Mr. Chair, to my committee colleague, and to the nominees Congratulations to all of you, and I will have questions for each of you but I want to now proudly introduce my longtime friend—please do not hold that against him—but my longtime friend, Doug Hickey, who is here as the President's Ambassador—nominee to be Ambassador to Finland, and he is joined by his wife, Dawn, who is also a close friend.

Doug is very qualified for this position for a couple of reasons. First, he has decades of experience—more than three decades of experience holding senior level positions in the telecom, internet, and technology industries, and he has been in the tech space his whole career as a founder and builder of numerous companies and also an investor in those companies.

This background is particularly important for Finland because the technology export is that nation's key industry—is that nation's key export industry and they are a global leader. Doug's background in the tech space will make him a natural fit in the position.

Doug also has, as Chairman—Ranking Member Risch mentioned, notable government experience because he was appointed by President Obama to head the U.S. involvement in the Milan World Expo in 2014. He has performed vital volunteer work for many philanthropic organizations—Catholic Relief Services, the Robert F. Kennedy Human Rights Center, his alma mater, Siena College.

His life experience, business background, innovation, and deep intellect will be critical to this U.S.-Finland partnership.

As Senator Risch mentioned, the U.S. relationship with Finland is a very strong one but it is more important than ever. Finland has often played the role with the United States as an interlocutor on matters dealing with Russia and sometimes an interpreter as to Russian intent and actions.

Finland has the European Union's longest border with Russia. So as Vladimir Putin continues the barbaric, unjust, illegal invasion of Ukraine, Doug will work tirelessly with the mission there in Finland to strengthen the U.S. commitment to Finland's security, es-

pecially as Finland is taking some steps that are quite unusual for them—delivery of weaponry to support Ukraine's defense, consideration of accession to NATO.

He is an excellent and highly qualified choice for this position and I strongly urge my committee colleagues and then I will strongly urge my colleagues on the floor to promptly support him. We need an ambassador in Finland as soon as we can.

Thank you, Mr. Chair.

Senator MARKEY. Thank you, Senator Kaine.

And thank you, Mr. Hickey. I think you have received about as good an endorsement as you could receive.

And we also will be hearing from Alina Romanowski, who was nominated to be the U.S. Ambassador to Iraq. Ambassador Romanowski is a career member of the Senior Executive Service, currently serving as the U.S. Ambassador to Kuwait.

Previously, she served as the Department of State's Principal Deputy Coordinator for Counterterrorism. She joined the Department of State to establish the Middle East Partnership Initiative Office and served as its first director.

In light up her broad foreign policy experience, leadership abilities, and distinguished U.S. Government career, she is, clearly, highly qualified to serve as U.S. Ambassador to Iraq.

Welcome, Ambassador Romanowski. U.S. leadership is critical in addressing the dual concerns of security and human rights in Iraq. Progress on both issues depends on robust engagement between the United States and the Iraqi Government.

Next, I will introduce Steven Fagin, who is nominated for the position of U.S. Ambassador to Yemen. Mr. Fagin is a career member of the Senior Foreign Service, class of Minister-Counselor. He recently served as the Deputy Chief of Mission and later charge d'affaires of the U.S. Embassy in Iraq.

Prior to that, Mr. Fagin held several other positions focused on the Middle East, including principal officer at the U.S. Consulate General in Erbil, Iraq, and director of the Office of Iranian Affairs in the State Department's Bureau of Near Eastern Affairs.

He earned a bachelor's from Williams College and he has demonstrated success as a leader in both Washington and abroad. So welcome to you, Mr. Fagin, as well.

And, finally, I would like to introduce Erin McKee, who is nominated to be the Administrator for Europe and Eurasia at the U.S. Agency for International Development.

Ambassador McKee is, clearly, up to the challenge ahead, based on her experience and her expertise. She is currently the U.S. Ambassador to the Independent State of Papua New Guinea, the Solomon Islands, and the Republic of Vanuatu.

Ambassador McKee is a career member of the Senior Foreign Service with the rank of career minister and brings a wealth of foreign policy and development experience to her position.

Prior to her work in the Pacific Island region, she worked on Eastern Europe at USAID and in the private sector. She is a graduate of the University of California. And we welcome you to the hearing here today.

And so we will begin. But if you, Senator Cruz, would like to make an opening statement, you are recognized for that purpose.

STATEMENT OF HON. TED CRUZ,
U.S. SENATOR FROM TEXAS

Senator CRUZ. Thank you, Mr. Chairman. Thank you to today's panelists. Congratulations on your nominations.

If confirmed, each of you will be dispatched to regions that are in deep turmoil right now and that are beset by multiple crises. In Europe, as everyone knows, Russia has launched an unprovoked war, the largest land war that the continent has seen since World War II.

Our allies face incalculable harm and the existence of Ukraine hangs in the balance. In the Middle East, the Iranian regime has flooded the region with terrorism and violence, has seized control of entire countries, such as Lebanon, and seeks to build a nuclear arsenal that I believe there is an unacceptably high risk they would use against Israel or, indeed, against the American homeland.

Many of these crises are self-inflicted. Since the earliest days of the Biden administration, Biden-Harris officials have pursued policies all but explicitly designed to weaken our allies and to embolden our enemies.

In Europe, the Biden administration spent much of 2021 undercutting our Ukrainian allies militarily, economically, and diplomatically.

The President inexplicably issued waivers for Nord Stream 2, providing Putin with an alternative route to send gas to Europe and exposing Ukraine to the existential conflict it is now facing.

The administration at least twice withheld lethal assistance from our Ukrainian allies, aid they would have trained with and now will be using, all in an effort to grease relations with Russia.

Biden/Harris officials denied President Zelensky an early critical meeting with President Biden in order to try to coerce his approval for such policies and, of course, on the eve of war, State Department officials were dispatched to offer broad concessions to Russia that would have crippled NATO, and once they became public that signaled weakness to both our allies and our adversaries.

The State Department went so far as to pressure the Ukrainians to cede territory to Russia—the literal definition of European appeasement.

At times like this, we need every ally we can find. But, unfortunately, across the globe, the Biden administration has alienated many of our traditional allies.

Yesterday, this committee heard testimony about India from Assistant Secretary Lu. India is a critical ally across a number of areas and the U.S.-Indian alliance has broadened and deepened in recent years. But under the Biden administration it has gone backwards.

And so yesterday in a United Nations General Assembly vote condemning Putin's aggression the Indians abstained rather than stand with us against Russia, and today there are reports that the Biden administration is contemplating imposing CAATSA sanctions against India, the largest democracy on Earth, a decision that I think would be extraordinarily foolhardy.

India is not the only country to have voted against us and against condemning Russia. The United Arab Emirates also abstained in yesterday's vote.

The UAE is a close ally of the United States and during the Trump administration was a critical player in the Abraham Accords that fundamentally transformed the entire Middle East and brought Israelis and Arabs together under American leadership.

When the Biden administration took over, however, they made it a week one priority to tilt away from our regional allies and towards Iran, and they immediately dismantled terrorism sanctions on the Iran-controlled Houthis in Yemen.

The Houthis, of course, did not wait a day before escalating their attacks and they eventually started launching terrorist attacks into the UAE itself.

Critically, this week and this weekend the Biden administration is looking to lock in their pivot towards Iran at breathtaking danger to our Middle East allies and to the United States itself.

There are reports from Vienna that a new agreement from Iran will be announced imminently. This deal is nothing short of catastrophic, and I fully anticipate that the Biden administration will attempt to circumvent congressionally mandated review of the deal.

The deal will provide Iran with a functionally unlimited nuclear program, facilitate the development of ICBMs, dismantle sanctions related to terrorism and human rights, and pour hundreds of billions of dollars into the regime's coffer.

A regime headed by a theocratic ayatollah who chants "Death to America" and "Death to Israel" is on the verge of being massively funded by President Joe Biden.

In these dangerous times, I look forward to hearing your testimonies and discussing each of these issues with you.

Thank you, Mr. Chairman.

Senator MARKEY. Once again, it is my pleasure to welcome our nominees to today's hearing. Thank you for taking the time to discuss your experiences and qualifications with us.

And now we are going to turn to your opening statements and I will ask each of you to keep your statements to approximately five minutes, knowing that your full statements will be made part of the record, without objection. We will start with Ambassador Romanowski and proceed in turn.

First, I have a few questions that speak to the importance of this committee and what—and the responsibility we have to ensure that there is a responsiveness of all officials in the executive branch and that we expect—we will be seeking from you, and I would ask each of you to provide just a yes or no answer.

Do each of you agree to appear before this committee and make officials from your office available to the committee and designated staff when invited?

Can each of you say yes?

[All witnesses answer in the affirmative.]

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

Will each of you respond yes?

[All witnesses answer in the affirmative.]

Senator MARKEY. Do you commit to engaging in meaningful consultation while policies are being developed, not just providing notification after the fact? Will each of you answer yes?

[All witnesses answer in the affirmative.]

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

[All witnesses answer in the affirmative.]

Senator MARKEY. That is fine, and we will look forward to your cooperation in the months and years ahead after you are confirmed.

So we will begin with Ambassador Romanowski. We are now going to recognize you for a five-minute statement.

STATEMENT OF HON. ALINA L. ROMANOWSKI OF ILLINOIS, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, NOMINATED TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF IRAQ

Ms. ROMANOWSKI. Thank you, Senator.

Mr. Chairman, with your permission, I would like to submit my complete testimony for the record.

Senator MARKEY. Without objection.

Ms. ROMANOWSKI. Chairman Markey, Ranking Member Cruz, and members of the committee, it is an honor to appear before you today as President Biden's nominee to the U.S. Ambassador to the Republic of Iraq.

I want to thank President Biden and Secretary Blinken for their confidence in me, especially as a member of the career civil service. If confirmed, I look forward to working with this committee to defend and advance our nation's interest in Iraq.

I am grateful to share this day with my family. My husband, a retired U.S. Navy submariner, and I raised two sons, one making their way in the financial investment world and the other expecting to serve our nation when he completes the U.S. Navy's Officer Candidate School next month.

My parents, who came to the United States in their 20s, instilled in me a deep sense of service, respect, and humility, and their guidance remains with me in spirit.

My more than 40 years of public service have taken me across the Departments of State and Defense, USAID, and the intelligence community in positions mostly focused on the Middle East.

If confirmed, I will draw on that broad experience to advance U.S. national security interests in Iraq and the region. It is the greatest honor to be entrusted with strengthening our relationship with Iraq.

From my many years of experience in the Middle East, especially in my current role as Ambassador to Kuwait, I know firsthand the importance of this critical strategic partnership.

Iraq remains a foreign policy priority for the United States and is a cornerstone of regional stability. The United States is committed to deepening its enduring partnership with the Iraqi people.

As Iraq learns to manage the COVID–19 pandemic and continues to rebuild following the territorial defeat of ISIS, we are focused on

bolstering Iraq as a sovereign, stable, secure partner free from malign influence.

We must stay engaged to ensure that Iraq can address internal and external threats, secure its borders, limit the influence of great power competitors, while respecting the human rights and fundamental freedoms of Iraqis.

If confirmed, I will underscore the importance of Iraq charting an independent foreign policy and continuing cooperation with its regional neighbors to enhance its sovereignty, security, critical infrastructure, and economic development.

The United States supports a stable, prosperous, and democratic Iraq that serves all its citizens, including its most vulnerable and marginalized communities.

If confirmed, I will continue to prioritize U.S. assistance programs that encourage durable solutions for Iraq's most vulnerable populations.

Since 2018 alone, the United States has provided over $500 million in assistance to support members of these communities. If confirmed, I look forward to meeting with these communities and addressing their concerns.

The United States continues to work with our Iraqi partners as they seek to strengthen their democratic institutions, responsive governance, and the rule of law.

If confirmed, bolstering Iraq's independence and advancing citizens' rights will be a top priority in my engagements with Iraq's new Government.

I will encourage Iraq's political, economic, and civil society leaders to focus on building a prosperous and resilient Iraq. I will also encourage further cultural and educational exchanges between our two countries.

Economic reform is essential for Iraq to prosper. If confirmed, I will continue to press the Government of Iraq to diversify its economy, expand private sector growth, reduce corruption, improve transparency, and create new markets for U.S. exports.

For example, I will vigorously advocate for Iraq to fulfill and even expand its arrangement to purchase U.S. rice and wheat.

Our security partnership with Iraq is an essential component of our relationship and stability in the region. The Combined Joint Task Force Operation Inherent Resolve has transitioned to an advise, assist, and enable mission. It continues to provide the Iraqi Security Services critical support for the enduring defeat of ISIS and retains the inherent right to self-defense.

If confirmed, I will ensure that our security partnership continues to support security sector reform, D–ISIS stabilization, counterterrorism, cooperation, and border security.

We are invested in strengthening Iraqi's security institutions including the Peshmerga in the Iraqi Kurdistan region. The Iraqi Kurdistan region is considered an example of tolerance and peaceful coexistence.

I am concerned, however, about the backsliding in the area of human rights, in particular, freedom of expression. If confirmed, I will work with our partners in the Iraqi Kurdistan region to ensure they maintain their standing as an example, working towards political and economic reforms, all while anchored within a federal Iraq.

Finally, if confirmed, I look forward to leading our Embassy in Baghdad. My highest priority will be the safety and security of over 25,000 Americans who live and work in Iraq.

Thank you for the opportunity to appear here today, and I look forward to your questions.

[The prepared statement of Ms. Romanowski follows:]

PREPARED STATEMENT OF HON. ALINA L. ROMANOWSKI

Chairman Markey, Ranking Member Cruz, and members of the committee, it is an honor to appear before you today as President Biden's nominee to be the U.S. Ambassador to the Republic of Iraq.

I want to thank President Biden and Secretary Blinken for their confidence in me, especially as a member of the career civil service. If confirmed, I look forward to working with this committee to defend and advance our nation's interests in Iraq.

I am grateful to share this day with my family. My husband, a retired U.S. Navy submariner, and I raised two sons—one making his way in the financial investment world and the other expecting to serve our nation when he completes the U.S. Navy's Officer Candidate School next month. My parents, who came to the United States in their 20s, instilled in me a deep sense of service, respect, and humility and their guidance remains with me in spirit.

My more than 40 years of public service have taken me across the interagency in the Departments of State and Defense, USAID, and the intelligence community in positions mostly focused on the Middle East. If confirmed, I will draw on that broad experience to advance U.S. national security interests in Iraq and the region.

It is the greatest honor to be entrusted with strengthening our relationship with Iraq. From my many years of experience in the Middle East, especially in my current role as Ambassador to Kuwait, I know firsthand the importance of this critical strategic partnership.

Iraq remains a foreign policy priority for the United States and is a cornerstone of regional stability. The United States is committed to deepening its enduring partnership with the Iraqi people. As Iraq learns to manage the COVID–19 pandemic and continues to rebuild following the territorial defeat of ISIS, we are focused on bolstering Iraq as a sovereign, stable, secure partner, free from malign influence. We must stay engaged to ensure that Iraq can address internal and external threats, secure its borders, limit the influence of great power competitors, while respecting the human rights and fundamental freedoms of Iraqis. If confirmed, I will underscore the importance of Iraq charting an independent foreign policy and continuing cooperation with its regional neighbors to enhance its sovereignty, security, critical infrastructure, and economic development.

The United States supports a stable, prosperous, and democratic Iraq that serves all its citizens, including its most vulnerable and marginalized communities. If confirmed, I will continue to prioritize U.S. assistance programs that encourage durable solutions for Iraq's most vulnerable populations. Since 2018 alone, the United States has provided over $500 million in assistance to support members of these communities. If confirmed, I look forward to meeting with these communities and addressing their concerns.

The United States continues to work with our Iraqi partners as they seek to strengthen their democratic institutions, responsive governance, and the rule of law. If confirmed, bolstering Iraq's independence and advancing citizen rights will be a top priority in my engagements with Iraq's new Government. I will encourage Iraq's political, economic, and civil society leaders to focus on building a prosperous and resilient Iraq. I will also encourage further cultural and education exchanges between our two countries.

Economic reform is essential for Iraq to prosper. If confirmed, I will continue to press the Government of Iraq to diversify its economy, expand private sector growth, reduce corruption, improve transparency, and create new markets for U.S. exports. For example, I will vigorously advocate for Iraq to fulfill and even expand its arrangement to purchase U.S. rice and wheat.

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ening Iraqi security institutions, including the Peshmerga in the Iraqi Kurdistan Region, to strengthen regional stability.

The Iraqi Kurdistan Region is considered an example of tolerance and peaceful coexistence. I am concerned, however, about backsliding in the area of human rights, in particular freedom of expression. If confirmed, I will work with our partners in the Iraqi Kurdistan Region to ensure they maintain their standing as an example, working towards political and economic reforms, all while anchored within federal Iraq.

Finally, if confirmed, I look forward to leading our Embassy in Baghdad. My highest priorities will be to strengthen the U.S.-Iraq partnership and most importantly, the safety and security of over 25,000 Americans who live and work in Iraq.

Thank you for the opportunity to appear here today and I look forward to your questions.

Senator MARKEY. Thank you, Ambassador.

Mr. Hickey, you are recognized for five minutes.

STATEMENT OF DOUGLAS T. HICKEY OF IDAHO, NOMINATED TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FINLAND

Mr. HICKEY. Mr. Chairman, Ranking Member, and distinguished members of the committee, thank you for the privilege of appearing before you today.

I am honored to be the nominee for U.S. Ambassador to Finland and I am deeply grateful to President Biden for the confidence he has placed in me.

I would like to thank my family and friends for all their support and love during this process. I would like to thank my wife, who is with me here today, Dawn, and my children, Bob, Kristen, Cole, Parker, and Lyra for all their love and support.

The United States and Finland share close security, economic, geopolitical, and cultural ties. Like the United States, Finland is committed to safeguarding democracy, protecting fundamental human rights, combating climate change, promoting technological and economic advance, and ensuring peace and security throughout the world.

I firmly believe we can continue to accomplish many American policy objectives with the support of our deep transatlantic cooperation with Finland.

If confirmed, the following are the top priorities I would seek to advance.

First, my top priority is always to ensure the safety and security of American citizens. I would work with Finnish officials in Embassy Helsinki to ensure Americans visiting or living in Finland were afforded all protections and rights to which they are entitled.

I would do my utmost to protect the safety and well being of Embassy personnel and their families. I would also have an open-door policy to gather ideas on how to be the most effective team, how to keep our Embassy community morale high, and how to best serve American people at home and abroad.

A second priority, if confirmed, will be to further deepen our defense coordination with defense. As a NATO enhanced opportunities partner, Finland has contributed much to our shared global defense objectives.

The Finnish Government announced in December that it would purchase 64 new F–35 fighter jets, which will deepen U.S.-Finland security and defense ties for decades to come.

And as a fellow and like-minded member of the Arctic Council, Finland is an instrumental partner in shaping Arctic policy, a region of the world garnering increased attention for its economic, security, and geopolitical prospects.

A third priority would be to advance American economic interest in Finland, particularly, by growing and empowering bilateral business ties. The United States and Finland work well together as two of the world's leading technology innovators with collaboration in all levels of the private sector, academia, civil society, and government.

We should continue this work with Finland to open new sources of economic opportunity in areas such as green technologies, artificial intelligence, quantum computing, and 5G and 6G.

The United States should build upon our shared economic interest and capabilities with Finland not only to contribute to increased job creation and economic prosperity for both nations, but also because our shared values and technological prowess will provide a stronger defense against adversaries who may seek to compromise intellectual property or sensitive infrastructure.

Lastly, if confirmed, I would work to advance joint efforts by the United States and Finland to address global challenges. While the Finnish and American people share a love for democracy and freedom, there are others around the globe seeking to impose their authoritarian beliefs.

Russia's premeditated, unprovoked, and unjustified attack on Ukraine is just one example. These adversaries spread disinformation, disrupt peace, imprison dissenters, support violence, and suppress fundamental rights.

With Finland, I believe the United States has a trusted partner in defending democratic values and countering tactics of authoritarian regimes and malicious non-state actors.

If confirmed, I look forward to working with Finland on the unprecedented challenges facing our world such as fighting climate change, safeguarding the rules-based international order, countering corruption, and combating COVID–19 and preventing future pandemics.

If confirmed, I will work to ensure that the U.S. relationship with Finland is best equipped to address these and the challenges that come.

Let me conclude by saying it would be my honor to serve as U.S. Ambassador to Finland. Thank you for your time and consideration today, and I look forward to your questions.

[The prepared statement of Mr. Hickey follows:]

PREPARED STATEMENT OF DOUGLAS T. HICKEY

Mr. Chairman, Ranking Member, and distinguished members of the committee, thank you for the privilege of appearing before you today. I am honored to be the nominee for U.S. Ambassador to Finland, and I am deeply grateful to President Biden for the confidence he has placed in me.

I would like to thank my family and friends for their support. I would like to thank my wife Dawn and my children, Bob, Kristen, Cole, Parker, and Lyra for all their love and support.

The United States and Finland share close security, economic, geopolitical, and cultural ties. Like the United States, Finland is committed to safeguarding democracy, protecting fundamental and human rights, combatting climate change, promoting technological and economic advancement, and ensuring peace and security throughout the world. I firmly believe we can continue to accomplish many American policy objectives with the support of our deep transatlantic cooperation with Finland. If confirmed, the following are the top priorities I would seek to advance:

First, my top priority is always to ensure the safety and security of American citizens. I would work with Finnish officials and Embassy Helsinki to ensure Americans visiting or living in Finland were afforded all protections and rights to which they are entitled. I would do my upmost to protect the safety and well-being of Embassy personnel and their family members. I would also have an open-door policy to gather ideas on how to be the most effective team, how to keep our Embassy community morale high, and how to best serve the American people at home and abroad.

A second priority, if confirmed, will be to further deepen our defense coordination with the Finns. As a NATO Enhanced Opportunities Partner, Finland has contributed much to our shared global defense objectives. The Finnish Government announced in December that it would purchase 64 new F–35 fighter jets, which will deepen U.S.-Finland security and defense ties for decades to come. And as a fellow and like-minded member of the Arctic Council, Finland is an instrumental partner in shaping Arctic policy—a region of the world garnering increasing attention for its economic, security, and geopolitical prospects.

A third priority would be to advance American economic interests in Finland, particularly by growing and empowering bilateral business ties. The United States and Finland work well together as two of the world's leading technology innovators, with collaboration at all levels of the private sector, academia, civil society, and government. We should continue this work with Finland to open new sources of economic opportunity in areas such as green technologies, artificial intelligence, quantum computing, and 5 and 6G. The United States should build upon our shared economic interests and capabilities with Finland, not only to contribute to increased job creation and economic prosperity for both nations, but also because our shared values and technological prowess will provide a stronger defense against adversaries who may seek to compromise intellectual property or sensitive infrastructure.

Lastly if confirmed, I would work to advance joint efforts by the United States and Finland to address global challenges. While the Finnish and American people share a love of democracy and freedom, there are others around the globe seeking to impose their authoritarian beliefs.

Russia's premeditated, unprovoked, and unjustified attack on Ukraine is one example. These adversaries spread disinformation, disrupt peace, imprison dissenters, support violence, and suppress fundamental rights. With Finland, I believe the United States has a trusted partner in defending democratic values and countering the tactics of authoritarian regimes and malicious non-state actors.

If confirmed, I look forward to working with Finland on the unprecedented challenges facing our world, such as fighting climate change, safeguarding the rules-based international order, countering corruption, and combating COVID–19 and preventing future pandemics. If confirmed, I will work to ensure that the U.S. relationship with Finland is best equipped to address these and the challenges that come.

Let me conclude by saying that it would be an honor to serve as the U.S. Ambassador to Finland. Thank you for your time and consideration. I look forward to your questions.

Senator MARKEY. Thank you, Mr. Hickey.

And now to you, Mr. Fagin. Welcome.

STATEMENT OF STEVEN H. FAGIN OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, NOMINATED TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF YEMEN

Mr. FAGIN. Thank you.

Mr. Chairman, with your permission, I would like to submit my complete testimony for the record.

Senator MARKEY. Without objection.

Mr. FAGIN. Chairman Markey, Ranking Member Cruz, distinguished members of the committee, I am thankful for the opportunity to appear before you today as President Biden's nominee to be the United States Ambassador to the Republic of Yemen.

I am grateful to President Biden and Secretary Blinken for this honor and their confidence in me. If confirmed, I commit to working closely with members of this committee and Congress on the critical U.S. foreign policy and national security interests in Yemen.

First, I would like to thank my family for their steadfast support during my 25 years in the Foreign Service, which has often taken me far away from them.

My sister, Randi, and her husband, Rob, are in attendance today. I am also one-half of a Foreign Service tandem couple. The other half, Natasha Franceschi, is Deputy Chief of Mission in Tunisia. We have served in some challenging places together, including Baghdad, and Natasha is watching these proceedings from Tunis.

When I was in college in the late 1980s, I participated in a student exchange program to the USSR under President Reagan's U.S.-Soviet exchange initiative. This was a life-changing experience that led me to pursue a career in diplomacy.

I have spent much of my career working in and on conflict and post-conflict countries, and I have witnessed firsthand the human and physical devastation resulting from war, especially in Bosnia, Herzegovina, and Iraq.

The escalation of hostilities and dramatic increase in civilian casualties in Yemen over the last few months are deeply troubling, both for the long-suffering people of Yemen and for the entire Gulf region.

However, continued conflict is not inevitable and peace in Yemen is possible. If confirmed, I look forward to working closely with U.S. Special Envoy for Yemen Tim Lenderking to support U.N.-led efforts to secure a durable and inclusive resolution to the conflict, which also addresses Yemen's dire economic situation.

I know we are all profoundly concerned by increasingly aggressive Houthi actions in recent months, including attacks impacting civilians and civilian infrastructure in the UAE and Saudi Arabia using missile and armed drone technology provided by Iran.

There are more than 130,000 Americans living in these countries and their safety is under threat from such attacks.

I assure you that, if confirmed, I will have no higher priority than ensuring the safety and security of our citizens.

The unlawful flow of weapons from Iran to the Houthis is also enabling the continued Houthi offensive in Marib, complicating efforts to get the parties to the negotiating table and extending the suffering of civilians.

Strengthening enforcement of the targeted U.N. arms embargo for Yemen to cut off the flow of arms to the Houthis must be a priority.

Mr. Chairman, the ongoing Houthi detention of current and former members of our local Yemeni staff in Sana'a is deplorable and an affront to the entire international community.

The United States has communicated this to the Houthi leadership, and the U.N. Security Council has condemned these Houthi actions in the strongest terms, as has the U.S. Congress.

If confirmed, I will work tirelessly to ensure the safety and well being of all current and former U.S. Government employees in Yemen and a return to U.S. control of our former Embassy compound.

On February 23rd, the Treasury Department announced additional designations of members of an international network led by IRGC Quds Force and Houthi financier Sa'id al-Jamal involved in funding the Houthis' war against the Government of Yemen.

The United States will continue targeted designations of individuals and entities that seek to perpetuate the conflict and humanitarian crisis in Yemen for their own gain.

The United States continues to lead the international community's humanitarian response to the dire humanitarian and economic conditions facing the people of Yemen, and our partners must also do their share to fund this response.

Ensuring partners can deliver crucial assistance without interference or delay, and enacting reforms to restore the foundations of Yemen's economy are critical.

Our Yemen policy must continue to be fully aligned with our global policy priorities and principles. If confirmed, I will aim to strengthen coordination with the Government of Yemen and other partners in our shared counterterrorism fight against al-Qaeda in the Arabian Peninsula and other violent extremists.

President Biden and Secretary Blinken have been clear that human rights are central to U.S. foreign policy. If confirmed, I will ensure that this remains the case in Yemen. Without accountability and justice there cannot be a durable and lasting peace.

Mr. Chairman, the challenges in Yemen today are, undoubtedly, complex, as you know. Thank you for the opportunity to testify and I look forward to your questions.

[The prepared statement of Mr. Fagin follows:]

PREPARED STATEMENT OF STEVEN H. FAGIN

Chairman Markey, Ranking Member Cruz, distinguished members of the committee, I'm thankful for the opportunity to appear before you today as President Biden's nominee to be the United States Ambassador to the Republic of Yemen.

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The escalation of hostilities and dramatic increase in civilian casualties in Yemen over the last few months are deeply troubling both for the long-suffering people of Yemen and for the entire Gulf region. However, continued conflict is not inevitable,

and peace in Yemen is possible. If confirmed, I look forward to working closely with U.S. Special Envoy for Yemen Tim Lenderking to support U.N.-led efforts to secure a durable and inclusive resolution to the conflict, which also addresses Yemen's dire economic situation.

I know we are all profoundly concerned by increasingly aggressive Houthi actions in recent months, including attacks impacting civilians and civilian infrastructure in the UAE and Saudi Arabia using missile and armed drone technology provided by Iran. There are more than 130,000 Americans living in these countries, and their safety is under threat from such attacks. I assure you that if confirmed, I will have no higher priority than ensuring the safety and security of our citizens.

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Mr. Chairman, the challenges in Yemen today are undoubtedly complex as you know. Thank you for the opportunity to testify today and I look forward to your questions.

Senator MARKEY. Thank you, Mr. Fagin.

And now we will turn to you, Ambassador McKee.

Welcome, and whenever you feel comfortable please begin.

STATEMENT OF HON. ERIN ELIZABETH MCKEE OF CALIFORNIA, NOMINATED TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Ms. MCKEE. Thank you, Chairman.

With your permission, I would like my full testimony to be submitted for the record.

Senator MARKEY. Without objection.

Ms. MCKEE. Chairman Markey, Ranking Member Cruz, members of the committee, it is an honor to appear before you today as President Biden's nominee to be the Assistant Administrator for Europe and Eurasia for the United States Agency for International Development.

I would like to thank the President for his trust in me and I am deeply grateful for the honor to be nominated to serve in a position

at USAID, an agency I dedicated much of my career to at a moment when its leadership and development expertise are so urgently needed in Europe and Eurasia.

I am grateful to the members of the committee for the opportunity to speak with you today, and if confirmed, I pledge to work with you to advance our nation's interest in this critical region of the world.

I would like to thank my family for their steadfast support, particularly my husband, Sean, and my daughter, Caitlin, who is here with me today. Their unconditional love and encouragement have been my rock throughout my public service career.

From Moscow to Lima, from Baghdad to Jakarta, they have stood by my side and shared in the sacrifice and adventures of nearly 30 years in the Foreign Service. I could not have made this journey without them, and for that I am truly grateful.

Since 1995, I have had the tremendous opportunity to represent the United States in nine overseas assignments as well as here in Washington, D.C., with the U.S. Agency for International Development and currently serving as U.S. Ambassador to Papua New Guinea, Solomon Islands, and Vanuatu.

It has been my privilege to serve the American people and advance our country's interests, promote our values and principles, and offer host country nations a model for hope, security, prosperity across a variety of diverse and complex contexts.

If confirmed, I will have the distinct honor and responsibility to lead the USAID Bureau for Europe and Eurasia at a time when the stakes are as high as we have seen since USAID first opened its doors in the region's newly independent states 30 years ago.

Although many of USAID's partners in Eastern Europe and Eurasia have achieved remarkable democratic and economic progress, the region's development trajectory is under increasing threat.

The Kremlin's malign influence across the region has expanded and intensified in recent years, and with Russia's invasion of Ukraine we are facing a grave and dangerous moment.

The People's Republic of China is also increasingly leveraging its economic might to capture economies, undermine sovereign decision-making, and weaken democratic norms.

While the people of the region work to secure prosperity, a stronger voice in government, and independence from foreign manipulation, powerful anti-democratic elites, both domestic and foreign, seek to bend the region toward a future of authoritarian rule and pervasive corruption.

USAID is a critical counterweight to the predatory partnerships peddled by authoritarian regimes. USAID's work, work that reflects American quality, integrity, and commitment, helps host country partners secure mutually beneficial investments, connectivity, peace, security, and development impact with results that will be sustained and endure, and critically, most critically, USAID inspires hope among people of the region that the democratic dividend that is good governance and a fair economic playing field are attainable.

Let me also note that while the region's challenges are great, so too are the opportunities from democratic bright spots such as

Moldova and Armenia to the increasingly perilous conditions in Belarus and the ongoing political crisis in Bosnia and Herzegovina.

The region's people continue to stand up for transparent accountable government, human rights, human dignity, at times at great risk to their own personal safety.

Their efforts to lay the foundation for the region's democratic future must be protected and safeguarded. Their hard-fought gains to support their courageous efforts and encourage further progress is a top priority.

Whether we are confronting the COVID–19 pandemic, corruption, economic or social inequality, climate change, threats to energy security, an outwardly aggressive Russia and increasingly assertive China, or cyber threats, the United States is most effective when we partner with our allies and our friends, and support those striving every day in their countries to build a democratic, prosperous, and stable future.

If confirmed, I will work closely with our allies and our partners to promote peace and security, increase economic opportunity, and advance respect for fundamental freedom and human rights, building enduring partnerships with our host countries in the process.

Thank you for this invitation to appear before you and I welcome the opportunity to answer your questions.

[The prepared statement of Ms. McKee follows:]

PREPARED STATEMENT OF HON. ERIN ELIZABETH MCKEE

Chairman Menendez, Ranking Member Risch, members of the committee, it is an honor to appear before you today as President Biden's nominee to be the Assistant Administrator for Europe and Eurasia for the United States Agency for International Development.

I would like to thank the President for his trust in me, and I am deeply grateful for the honor of being nominated to serve in a position at USAID, an Agency I dedicated much of my career to, at a moment when its leadership and development expertise are so urgently needed in Europe and Eurasia. I am grateful to the members of the committee for the opportunity to speak with you today. If confirmed, I pledge to work with you to advance our nation's interests in this critical region of the world.

I would like to thank my family for their steadfast support, particularly my husband Sean and my daughter Caitlin. Their unconditional love and encouragement have been my rock throughout my public service career—from Moscow to Lima—from Baghdad to Jakarta, they have stood by my side and shared in the sacrifice and adventures of nearly 30 years in the Foreign Service. I could have not made this journey without them, and for that I am truly grateful.

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If confirmed, I will have the distinct honor and responsibility to lead the USAID Bureau for Europe and Eurasia at a time when the stakes are as high as we have seen since USAID first opened its doors in the region's newly independent nations thirty years ago.

Although many of USAID's partners in Europe and Eurasia have achieved remarkable democratic and economic progress, the region's development trajectory is under increasing threat. The Kremlin's malign influence across the region has expanded and intensified in recent years, and with Russia's invasion of Ukraine, we are facing a grave and dangerous moment in the region.

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Let me also note that while the region's challenges are great, so too are the opportunities. From democratic bright spots, such as Moldova and Armenia, to the increasingly perilous conditions in Belarus and the on-going political crisis in Bosnia and Herzegovina, the region's people continue to stand up for transparent, accountable government, human rights, and human dignity—at times, even at great risk to their own personal safety. Their efforts lay the foundation for the region's democratic future. USAID can and must do its part to safeguard their hard-fought gains, support their courageous efforts, and encourage further progress.

Whether we are confronting the COVID–19 pandemic, corruption, economic or social inequality, climate change, threats to energy security, an outwardly aggressive Russia, an increasingly assertive China, or cyber threats, the United States is most effective when we partner with our allies and support those striving every day in their countries to build a democratic, prosperous future.

If confirmed, I will work closely with our allies and partners to promote peace and security, increase economic opportunity, and advance respect for fundamental freedoms and human rights, building enduring partnership with our host countries in the process.

Thank you for this invitation to appear before you, I welcome the opportunity to answer your questions.

Senator MARKEY. Thank you very much, Ambassador.

And now we will turn to a round of questions from the Senators to our panel. The chair will recognize himself and begin with you, Ambassador McKee.

We are seeing a humanitarian crisis unfold before our eyes in and around Ukraine. As of this morning, the U.N. High Commissioner for Refugees estimated that since the start of the Russian invasion on February 24th more than 1 million refugees have already fled Ukraine, with the highest numbers crossing into Poland and Hungary.

To the extent that you can answer, what is USAID doing right now to provide humanitarian assistance to Ukrainians and others who are fleeing the Russian invasion and, from your perspective, what role should USAID be playing in the days and weeks and months and years to come as the humanitarian needs become even greater?

Ms. MCKEE. Thank you, Chairman, very much for that question.

It is our utmost priority, if confirmed, and I will make it our utmost priority to stave off the human tragedy.

I understand that in the past few days USAID has announced the stand up of a disaster assistance response team, or DART team, to oversee our humanitarian response in close partnership with the State Department's PRM Bureau, which will lead the refugee response in Poland and other neighboring countries.

Administrator Power visited the Poland-Ukraine border over the weekend to see firsthand the growing humanitarian needs caused by the invasion and to signal USAID's prioritization of close coordination with our European partners.

I also understand that from the earliest days our Bureau of Humanitarian Response in USAID signaled our concerns about the

growing threat from Russia to the European Union and to echo their counterpart in the EU, and I understand that in anticipation of a worst case scenario they introduced maximum flexibility in its response mechanisms to be able to scale up and deliver the American assistance—foreign assistance through our U.N. partners and allies where it is needed most.

On February 27th, the United States announced nearly $54 million in additional humanitarian assistance to Ukraine, including $28 million for USAID to support critically needed health care, safe drinking water, sanitation, hygiene, supplies, and protection for vulnerable children.

So we are prioritizing, as I understand, the safety and security not only of the refugees in the crisis that we are facing but of our staff and citizens within the Ukrainian borders and implementing partners who remain bravely protecting and safeguarding U.S. investments where they can.

If confirmed, everything that we can do to stave off this human tragedy, deliver humanitarian assistance, deliver response immediately and build the foundation for recovery in the medium and long term should the crisis, hopefully, wind down will be my top priority, if confirmed.

Senator MARKEY. Thank you. And, as you know, the Biden administration increased its request for assistance to Europe by $10.8 million for fiscal year 2022 for activities including supporting the rule of law and democracy in Central Europe, combating antisemitism, and strengthening energy security and diversification.

How is USAID programming furthering those goals and are there other types of programs that you would prioritize in the region?

Ms. MCKEE. Thank you, Senator. That is an important question as well and I think, today, it is more acute and critical than ever to stop the democratic backsliding and provide market-based solutions for energy diversification to stop the dependence on Gazprom and the Kremlin, and to identify ways in which we can support the countries of Eastern Europe and Eurasia to continue their Euro-Atlantic integration on an accelerated path, and that means shoring up both democratic institutions as well as civil society to give people a voice and an opportunity to be able to strengthen good governance as well as the free and independent media and other programs that I know exist that need to be amplified now more than ever.

Senator MARKEY. Thank you, Ambassador.

Let me turn now and recognize Senator Cruz for a round of questions.

Senator CRUZ. Thank you, Mr. Chairman.

Mr. Fagin, let us start with you. When you and I sat down and met, you emphasized the U.N.-led political process.

This week, the U.N. Security Council approved a resolution which designates the Houthi militia as a terrorist organization, making it subject to sanctions, along with renewing asset freezes and travel bans and extending the arms embargo.

This is a significant development, to say the least. What signal does this send when the United Nations Security Council is acting upon a stronger and more unified message against terrorism while

one of Biden's first moves in office was to remove the Houthis as a designated terrorist group?

Mr. FAGIN. Senator, thank you for the question, and as I noted in my opening remarks, I share your concerns about the Houthis' deplorable actions, their terrorist attacks, using ballistic missile and drone technology against the UAE and Saudi Arabia.

As the President has said, the issue of the possible designation of the Houthis as an FTO is under review by the Administration. My understanding is that that review is considering the anticipated impact of such a designation on the behavior of the Houthis as well as the anticipated impact on the humanitarian situation.

Senator CRUZ. Mr. Fagin, I can say we can assess the impact so far that it has been disastrous. The Biden administration ostentatiously made it a week one priority to undo terrorism sanctions on the Iran-controlled Houthis.

On January 25th, just five days into the Administration, they approved all transactions involving the Houthis for a month. On January 27th, in his first appearance in the press room, Secretary Blinken said he was, quote, "particularly focused" on the question of undoing the terrorism designations.

On February 5th, the State Department announced they would be delisting those sanctions, and we know what happened next. That very weekend the Houthis launched missiles at civilians in the city of Marib, signaling the beginning of an offensive that would become a bloodbath, and they launched armed drones into Saudi Arabia.

After a year of such relentless terrorism, the Biden administration reluctantly announced that it was imposing some terrorism sanctions on the Houthis but not yet reversing their decision.

Let me ask you a question I asked you in my office. Do you believe the Houthis are terrorists?

Mr. FAGIN. Senator, as I noted, the Biden administration has condemned the Houthis' terrorist attacks on Saudi Arabia and the UAE using ballistic missiles and drones.

Senator CRUZ. Okay. Let me try that question again. Do you believe the Houthis are terrorists?

Mr. FAGIN. Senator, as I said, the Biden administration has condemned the Houthis' terrorist attacks, and as I said as well——

Senator *Cruz.* I have to say you said that in my office also. You said they commit terrorist attacks but you were unwilling to say they are terrorists. Explain to me how exactly that works, like, how people who commit terrorist attacks are not terrorists.

Mr. FAGIN. Senator, let me just say, again, that the issue of an FTO designation is under review by the Administration.

Senator CRUZ. How many terrorist attacks do they have to commit before you will admit they are terrorists?

Mr. FAGIN. Senator, the Administration has condemned the Houthis for their terrorist attacks on Saudi Arabia and the UAE.

Senator CRUZ. Except the Administration is unwilling to acknowledge the obvious, that they are terrorists. Is one terrorist attack enough? Is 10? Is a hundred terrorist attacks?

I just want to know how many civilians do the Houthis need to murder before the Biden administration will acknowledge the obvious, which is that they are terrorists?

Mr. FAGIN. Yeah. Senator, I deeply share your concerns about the Houthis. The Houthis have committed some deplorable acts, not only these attacks on the UAE and Saudi Arabia, which threaten our own citizens there—we have 130,000 citizens or more than that residing in the UAE and Saudi Arabia.

The Houthis currently have in detention 13 current and former members of our staff.

Senator CRUZ. All right. Let me ask one final question both to you, Mr. Fagin, and to you, Ms. Romanowski.

In my opening remarks, I discussed my profound concerns with this administration's foolhardy Iran deal. The basis of that deal is that Iran, the ayatollah, and the mullahs will be flooded with hundreds of billions of dollars in immediate resources from sanctions relief.

Based on both of your assessments of Yemen and Iraq, respectively, and as a matter of your professional expertise in the region, do you believe that if the Iranian regime receives hundreds of billions of dollars that that money will go to finance terrorism in Yemen and in Iraq?

Mr. Fagin, you can start.

Mr. FAGIN. Senator Cruz, thank you for the question.

Again, I share your concerns about the malign activities of the Iranian regime. But that is a speculative question. There is not a deal in place.

Senator CRUZ. I am asking your professional judgment and this judgment goes to your competence in terms of whether you should be confirmed to this post.

Mr. FAGIN. Yeah. If I could——

Senator CRUZ. Based on the behavior of Iran, do you believe if they get hundreds of billions of dollars they will use that to fund terrorism, and I would like a yes or no, based on your professional judgment.

Mr. FAGIN. Again, Senator, it is, unfortunately, a speculative question because there is not a deal.

Senator CRUZ. I am asking for your judgment.

Mr. FAGIN. But I can, certainly, say that the Iranians will not use funds for the betterment of their people.

Senator CRUZ. Ms. Romanowski?

Ms. ROMANOWSKI. Senator, thank you for the question.

I also share your concerns with Iran's malign activity and role in the region. Iran remains a primary enduring threat to both Iraq and the region.

It has increasingly sophisticated military capability so supports broad proxy networks and it has demonstrated that it periodically is willing to use force against U.S. allies.

The Biden/Harris administration has determined that getting back into the JCPOA is the best——

Senator CRUZ. Ms. Romanowski, you are reading a statement. I just am asking—will you answer the question? Do you believe, based on your professional judgment, they will use hundreds of billions of dollars to finance terrorism, yes or no?

Ms. ROMANOWSKI [continuing]. First of all, I am not privy to any of the negotiations that are going on. But it is very clear in the Iranian history that they have used their resources and their funding

that they can get to finance their proxy networks and to continue to spread their malign activities across the region.

Senator CRUZ. Thank you.

Senator MARKEY. The Senator's time has expired.

The Senator from Connecticut?

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

The theory here goes that if we stay out of a nuclear agreement with Iran, if we continue to apply sanctions on Iran, then that will decrease their support for terrorist groups in the region.

There is no evidence to suggest that is the case. In fact, if you look at the period of time since we withdrew from the agreement all we have seen is an increased level of Iranian involvement in Yemen, an increased amount of integration between Iran and the Houthi forces there.

What we have seen is that support for Iranian proxy groups in Iraq has increased. Those groups started firing at U.S. troops after we withdrew from the agreement.

So this notion that if the United States continues to apply maximum pressure that that is somehow going to convince the Iranians to stop funding groups in the region just does not bear out in reality.

And as to this question of the designation of the Houthis as an FTO, we have to deal in the world of reality. Separate and aside from what you think that term means, the practical impact of designating the Houthis as an FTO is famine. Is famine. And that is not me making that claim. That is the U.N. That is the World Food Programme.

The World Food Programme says very clearly if you designate the Houthis as an FTO we cannot operate inside Yemen.

They go further. Commercial food operators will not be able to operate inside Yemen.

Now, maybe that is a flaw of our statutes, that the designation of an entity as a foreign terrorist organization has such extreme consequences for the people of that country. But that is the reality.

And so we have to think seriously about whether we want to subject millions of Yemenis to starvation as a consequence of that designation and whether that is better or worse for the people that we are trying to protect.

And I guess my only ask of you, Mr. Fagin, is that you consult along with the Administration with those operators on the ground who are going to be forced to pull out and submit the Yemeni people to famine and starvation if we go forward with this designation, given the fact that there are so many other ways that we can impose sanctions on Houthi leaders, as the Biden administration already has.

Let me ask you this question, Mr. Fagin.

My sense is that the Saudi-led coalition has not changed their perspective on the path to peace. Escalation. Escalation. Escalation.

We have to get into a deescalatory cycle in Yemen in order to get to the table. We have been pressing the Saudis for the last year to open up the airport to provide humanitarian pathways for relief agencies to restart the Yemeni economy.

But at the foundation, we have got to be able to convince both sides—the Houthis and the Saudis—that more escalation in Sa'dah province, in Marib, is just going to lead to more of the same. Am I correct in that assumption?

Mr. FAGIN. Senator, thank you for the question, and I share your concerns about the humanitarian situation and about escalation.

As you know, in February of 2021 the Administration ended our support for offensive military operations in Yemen. That included the suspension of certain sales of munitions to Saudi Arabia.

The administration has been pressing Saudi Arabia, the UAE, and all parties to deescalate.

Now, on a positive front, the Saudis, the UAE, the Government of Yemen, they support this U.N.-led process. In fact, the Administration has been successful in marshaling an international consensus in favor of this process, including at the Security Council.

So we are behind this process and we can bring these countries along.

Senator MURPHY. I think we are going to have to be tougher on our allies and partners in the region. We have got to be equally tough on the Houthis. But we have got to deliver, I think, a stronger message to our allies who continue to bring the fight to Yemen, notwithstanding the fact that it does not seem to be accruing to the benefit of their interests.

Mr. Chairman, I will submit a question to the record for Ms. McKee. I want to make sure that USAID's activities in funding anti-propaganda and anti-misinformation work in Europe is integrated with the work of the Global Engagement Center.

I hope that we are going to pass a supplemental appropriations bill for Ukraine that will include a dramatic increase in the Global Engagement Center's funding. That means we will be able to fight Russian propaganda about their efforts in Ukraine.

USAID does a lot of this work as well, and sometimes I worry that the two are not always working in close coordination. And so I will submit a question for the record on that subject.

Thank you, Mr. Chairman.

Senator MARKEY. The Senator from Virginia?

Senator KAINE. Thank you, Mr. Chair, and congratulations to all the nominees. It is a good panel—three career Foreign Service, one political nominee. I think that mixture that we have in our ambassadors and Foreign Service professionals abroad of career and political nominees is a good mixture and you really represent the best of this tradition.

Mr. Fagin, I just particularly want to just comment about you. Your spouse is—you are part of a two State Department family and your spouse is the DCM in Tunisia, and that—it is hard for families to serve abroad and it is especially hard for them to serve abroad in split locations.

I remember the first time I was visiting Egypt as a member of the committee and one of the Foreign Service professionals there had to leave to go do a Skype date with her husband about six time zones apart, and I said, that is a long way. She said, this is not the farthest apart that we have been; we have been farther apart than that.

So I just want to acknowledge the service of your family and so many in the Foreign Service world.

Mr. Hickey, I want to ask you a question about the discussions in Finland about NATO. Really interesting. In 2017, the support of the Finnish population for NATO accession was 19 percent.

Recently, a poll had it at 53 percent for reasons that are pretty obvious. And the polling also suggested that support for joining NATO would be 66 percent if Sweden also were to join. Finland and Sweden have traditionally had a lot of defense cooperation.

However, Finnish political parties are still fairly opposed, at least kind of in their stated position, to NATO accession. An important role of a U.S. Ambassador is to promote U.S. interests but not get involved in domestic politics.

The question of whether Finland were to join NATO is very much a domestic political issue but it also, certainly, touches upon values and principles really important to the United States.

So should you be confirmed and be in this position and able to offer information and answer questions about NATO, how would you strike that balance between, again, offering advice and answering questions and not overly engaging in this issue as a matter of domestic Finnish politics?

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

It is, clearly, timely, what has happened. I have been tracking the polling information as you have as well in the public domain. It is pretty striking what has happened and how quickly it has happened.

The view of Finnish people has changed pretty dramatically, relative to NATO, to the positive, and the reason, as you said, is really obvious based upon what is happening with Russia and Ukraine.

Finland shares the largest border in Europe with Russia—800 miles—and has had a nuanced relationship with Russia for many, many years. You talked about it earlier of them not only as being an interlocutor but as an interpreter for many others, which is a huge value to us, quite frankly, I think.

I think what we can do and I would do, if confirmed, is to make sure parties at all levels of civil society in Finland understand the benefits of NATO. But we have to be thoughtful that it is a sovereign decision that they are going to make.

So I think our role is, really, more information and education, and the Finnish people and the Finnish Government are clear eyed, I think, on how they approach the Russians.

So I think our best role is more information and education and support if they decide to make such a move.

Senator KAINE. Thank you, Mr. Hickey, for that, and I want to thank my colleagues, especially Chairman Menendez and Ranking Member Risch.

I have a bill that I have had—a bipartisan bill—pending before the committee for some time that would clarify that the United States could never withdraw from NATO simply by a presidential action but that it would take a vote of either the Senate or an act of Congress—the Senate ratified the NATO treaty.

That bill has been cleared for presence on our next business meeting on the 23rd of March. It is bipartisan. I look forward to taking it up.

Ambassador Romanowski, I want to ask you a question quickly. I also have a piece of legislation that is bipartisan that is through the committee and on the floor now to repeal the Iraq War authorizations from 1991 and 2002.

I am not going to ask you about that. Your testimony very plainly points out the many areas where we are working in tandem as partners with Iraq, and I believe the repeal of a war authorization against the Government of this partner country would be wise.

I want to ask you just one question, though, about Iraq right now. Often, as I visited, the state of relations between the Kurds and the Iraqi central Government is sort of up and down and controversial, and sometimes it is more mellow.

What is your kind of current understanding of dialogue between Erbil and the Kurdish region of Iraq and the central Government?

Ms. ROMANOWSKI. Thank you for that question, Senator.

I share your view that there is often difference of view between the Iraqi Kurdistan regional Government and also the Government in Iraq.

I do think a lot of it depends on the issues. There was recently a ruling regarding their oil sharing. I will say that if I am confirmed one of the things and one of the priorities will be to ensure that we can facilitate and we can also represent the interests of both parties, should they ask us.

It is—we want to see them as good partners. We want to see them working out their differences and we want to also be there to promote a good relationship between those two governments. It is critical for Iraq's stability and its prosperity.

Senator KAINE. Thank you very much. Thank you, Mr. Chair.

Senator MARKEY. The chair recognizes the Senator from Maryland.

Senator VAN HOLLEN. Thank you, Mr. Chairman.

Congratulations to all of you on your nominations.

Ambassador Romanowski, let me follow up on where Senator Kaine left off.

Because we have seen a fair amount of political instability created from the lack of formation of a government. How do you assess the current situation and what is the United States doing now to encourage the formation of a government?

Ms. ROMANOWSKI. First of all, as a result of the elections, I think we are optimistic that the elections actually created some welcome surprises. For example, you have 30 independent candidates who were elected.

It is stalled right now over the interests between certain parties, and I know that we are working hard to, again, try to bring the parties to view the interests of a strong sovereign Iraq to be what is at stake and what is in their interest in forming their government as they go forward.

If I am confirmed, keeping the—working with the new government and ensuring that they can work for their people and bring their interest of Iraq to working together, as they have different views, is going to be very important and a critical component of what I will be doing on a daily basis if any evidence of what my—of what Ambassador Tueller is doing now.

Senator VAN HOLLEN. As you indicated in response to Senator Kaine's question, you have the recent decision by the Iraqi federal supreme court regarding Kurdistan's oil laws deeming them to be unconstitutional.

Would you agree that it would be in everyone's interests to have implementation of that ruling stayed so that we can proceed with negotiations on that point and as we work to try to—they work to try to form a government?

Ms. ROMANOWSKI. My understanding is that they are talking about what exactly—the implementation of that law. But until they have worked out those, my understanding is that things will be going on as they have been before. But that is correct.

Senator VAN HOLLEN. I think the KRG has indicated that they are going to continue to proceed. Do you see the timing of that supreme court ruling being part of the efforts to pressure the Kurds and others with regard to the formation of a government?

Ms. ROMANOWSKI. I think the Iraqi supreme court based their decision, from what I understand, on the technicalities of the issue, and I think that is where they came out on that one.

Senator VAN HOLLEN. Okay. So you do not see the timing after all these years has being in any way curious or connected to the ongoing effort to form a government?

Ms. ROMANOWSKI. It does bring—it does make me pause about that. There are a lot of decisions that come about in that region for the many years I have been working on and we can read a lot into it and—but yeah.

Senator VAN HOLLEN. I just—obviously, we have got to make sure that we do what we can to support the efforts to form a government.

What is your assessment of ISIS' strength right now in Iraq and whether or not in this period of time where there is some vacuum in the formation of government they are attempting to exploit the situation?

Ms. ROMANOWSKI. At this point, we are always very concerned about the resurgence of ISIS. The fact that we have transitioned to an advise, assist, and enable mission that allows us to work—continue to work with the Iraqi Security Forces on their fight against ISIS is—it convinces me and leads me very strongly to believe that while they are forming a government they will remain—the Iraqi Security Services will remain vigilant on ISIS.

Senator VAN HOLLEN. Right. Again, I think one of the challenges we got is some of the divisions within the country among different groups, and not just the Shi'a militia, which, obviously, are a malign influence, but even among other parties. We really need to make sure that we bring people together quickly.

Just in closing here, Ambassador McKee, congratulations on your nomination. I know you talked a little bit about our ongoing assistance to Ukraine to support the efforts in Ukraine.

As you know, the President has just proposed a supplemental that includes $5 billion for different forms of humanitarian economic assistance.

Could you talk a little bit about how you envision that being implemented?

Ms. MCKEE. Thank you, Senator.

I am not privy to the sort of contours or the intent behind the bill. But I do know that the wise way forward would be to build on the investments that we have made to date that we are currently struggling to safeguard, given the kinetic activity in the country and our concern for the safety and security of our staff and our implementing partners.

Looking ahead, obviously, the most important thing will be to support the Ukrainian people and their aspirations to continue to build a democracy, to continue to move forward on Euro-Atlantic integration, to continue to diversify their economy, their energy resources, and lean westward, and that would be, if confirmed, my top priority.

Our assistance resources can go far building on the investments we have made to date in response to both the needs on the ground as well as what we know are going to be critical in the days ahead.

Senator VAN HOLLEN. I hope we will move quickly to pass that supplemental request. Thank you.

Senator MARKEY. I thank the Senator, and I would like to thank each of our nominees for being here today and for answering the questions so attentively, and I am certain that each of them will be an asset to the United States in their new positions and I look forward to hearing about the good and important work that you will be doing.

Senators will have until the close of business tomorrow to revise and extend their remarks and submit any questions for the record.

With that, and the thanks of the committee and in the hope that we can get all of you in your positions very quickly, this hearing is adjourned.

[Whereupon, at 11:55 a.m., the hearing was adjourned.]

Additional Material Submitted for the Record

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. ALINA L. ROMANOWSKI BY SENATOR ROBERT MENENDEZ

Question. How can the U.S. Embassy help promote and support Iraq's Government formation?

Answer. The Iraqi people held free and fair elections that were the most technically credible in the country's history. I understand that at present, the Department is communicating at the highest levels with Iraqi leaders to put their differences aside to allow government formation to occur. If confirmed, I will urge Iraq's leaders to expediently form a new government that respects Iraq's sovereignty and serves the needs of the Iraqi people.

Question. If confirmed, what steps will you take to urge Iraqi parties in the Council of Representative, including Kurdish parties, to find a path towards forming a government?

Answer. If confirmed, I will continue the work our Embassy in Baghdad and our Consulate in Erbil is doing to encourage party leaders to expediently form a government that serves the needs of their constituents. In those engagements, I will encourage the parties to find common ground and urge them to consider the interests of Iraq first. I will also urge the Kurdish parties to work together during and after government formation in order to serve the best interests of the residents of the Iraqi Kurdistan Region and for the sake of Iraq's stability.

Question. If confirmed, what steps will you take to ensure that Embassy Baghdad has the staffing and outreach needed to effectively engage with Iraqi Government officials, as well as Iraqi civil and cultural society?

Answer. The safety and security of our personnel is the top priority and engaging with our Iraqi counterparts is essential to doing our jobs effectively. COVID–19 and the security situation have impacted staffing levels and our ability to engage. Staffing levels are constantly reviewed to ensure the appropriate levels given the security situation. If confirmed, I will regularly review staffing levels and the security situation to ensure that we have sufficient staff to meet our national security interests.

Question. What would you need to see on the ground as far as security to increase staffing levels at Embassy Baghdad and to consider reopening our Consulate in Basra?

Answer. The safety and security of our personnel is the top priority. If confirmed, I will regularly review staffing levels with the country team to ensure that we have sufficient staffing to meet our national security interests. In that connection, I would need to meet with the country team to determine whether the security situation in southern Iraq has sufficiently improved to resume operations at Consulate General Basrah.

Question. As you know, the Embassy is still recovering from a devastating attack in 2019. Between a complete shutdown of consular capacity and ongoing security concerns, the Embassy is limited in its ability to reach Iraqi citizens. How do you plan to prioritize restoring consular capacity and other public diplomacy initiatives at Embassy Baghdad?

Answer. Our Embassy in Baghdad has already made great progress in restoring our public diplomacy initiatives as COVID–19 restrictions have begun to ease. Opportunities exist for greater engagement, and if confirmed I look forward to looking at ways we can continue to do that. I will prioritize the reconstruction of the infrastructure destroyed in the 2019 attack, and work to revive the appropriate protocols for the safety of our consular applicants and employees. I will also support expediting a safe construction plan that will enable the Consular Section to once again process visas for U.S. Government exchange visitors and students.

Question. I am very concerned about directed energy attacks on U.S. Government personnel (so-called Anomalous Health Incidents). Ensuring the safety and security of our personnel abroad falls largely on individual Chiefs of Mission and the response of officers at post. It is imperative that any individual who reports a suspected incident be responded to promptly, equitably, and compassionately. Do you agree these incidents must be taken seriously, and pose a threat to the health of U.S. personnel?

Answer. Yes, currently as Ambassador to Kuwait I take these incidents seriously. If confirmed, I will continue to take these incidents seriously, investigate them thoroughly, and will ensure that our staff promptly get the medical assistance they need.

Question. If confirmed, do you commit to ensuring that any reported incident is treated seriously and reported quickly through the appropriate channels, and that any affected individuals receive prompt access to medical care?

Answer. Yes. If confirmed, I commit to ensuring that our staff promptly get the medical assistance they need, and I commit to reporting these incidents through the proper channels.

Question. Do you commit to meeting with medical staff and the RSO at post to discuss any past reported incidents and ensure that all protocols are being followed?

Answer. Yes. If confirmed, I will meet with medical staff and the RSO to discuss any past reported incidents and ensure that all protocols are being followed.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. ALINA L. ROMANOWSKI BY SENATOR JAMES E. RISCH

Question. How do you plan to continue to further U.S. interests in Iraq?

Answer. If confirmed, I will urge Iraq's leaders to expediently form a new government that bolsters Iraq's sovereignty and serves the needs of the Iraqi people, which is essential to the stability of Iraq and the whole region. I will work with the Iraqi Government and people to strengthen our strategic partnership and advance key issues of mutual concern. If confirmed, I will also want to ensure the continued development of a democratic, inclusive, and rights-respecting governance system that

serves its people and is accountable to all Iraqis. This is also essential for Iraq's economic development and capacity to counter internal and external threats.

Question. What are your priority lines of effort linked to U.S. national security interests?

Answer. Iraq remains a foreign policy priority for the United States and a cornerstone of our national security interests. If confirmed, I would focus on bolstering Iraq as a sovereign, stable, secure partner, free from destabilizing influences. I would continue U.S. Embassy Baghdad's and Consulate General Erbil's efforts to ensure that Iraq can address internal and external threats, secure its borders, and limit external destabilizing influence, while respecting the human rights and fundamental freedoms of all Iraqis, to include members of vulnerable, marginalized, and disenfranchised populations, such as IDPs. If confirmed, I would work with the Department of Defense on programs to advise, assist, and enable Iraqi security forces to prevent ISIS or other actors from threatening the United States, Iraq, and the region. If confirmed, I would underscore the importance of Iraq charting an independent foreign policy and continuing cooperation with its responsible neighbors to enhance its sovereignty, security, critical infrastructure, and economic development, while prioritizing the safety and security of all U.S. personnel and property. If confirmed, I will also support efforts to help Iraq reduce its dependence on Iranian electricity and gas imports and expand its economic cooperation with its Gulf neighbors.

Question. What role will countering Iranian influence play in this strategy?

Answer. Countering Iran's influence in the region is critical to U.S. national security interests. If confirmed, I would work to counter Iranian destabilizing influence in Iraq by promoting democratic processes and institutions. I would continue Embassy Baghdad and Consulate General Erbil's efforts to bolster Iraq's sovereignty and security through supporting the Government of Iraq's ability to create the operational and institutional capacity to counter existential threats and effectively secure its borders.

Question. If confirmed, how will you seek to address Iranian support for militias in Iraq?

Answer. Iran remains an enduring threat to Iraq as well as the region due to its increasingly sophisticated military capabilities, broad network of proxies and partners, and willingness to use force against the United States, our allies, and partners. Iran-aligned militia groups destabilize Iraqi politics, as we have seen most recently with their attacks and threats against Iraqi officials and politicians during the Government formation process. If confirmed, I would work with the Government of Iraq to disentangle itself from Iran in areas such as energy, security, entrepreneurship, agriculture, human rights, and anti-corruption to strengthen Iraq's sovereignty, and echo the Iraqi people's calls for a government that represents them and their interests.

Question. Are there specific steps the U.S. can take to curb their influence in the country and limit their ability to act with impunity? If so, what are they?

Answer. Encouraging party leaders to expediently form a government that serves the needs of their constituents is the best path to curb Iran-aligned militias from influencing the Government of Iraq. In those engagements, if confirmed, I would encourage the parties to find common ground and urge them to always consider the interests of Iraq first. Following government formation, working with the GOI to advance governance institutions, to include improving accountability and transparency, will be instrumental in minimizing Iran-aligned militias influence.

I would also continue Embassy Baghdad and Consulate General Erbil's coordination with others in the State Department and other agencies to identify and share with social media companies information regarding Iranian and other sources of disinformation, exhortations to violence, and hate speech that may violate their terms of service agreements.

Question. What role can, and should, the U.S. play in advancing Iraqi-led efforts to form a unified and inclusive government that can address the genuine needs of its people?

Answer. I understand that at present, the Department is communicating at the highest levels with Iraqi leaders to put their differences aside to allow government formation to occur. If confirmed, I would continue our encouragement of party leaders to expediently form a new government that respects Iraq's sovereignty and serves the needs of the Iraqi people. In those engagements, I would encourage the parties to find common ground and urge them to consider the interests of Iraq first. I would also urge the Kurdish parties to work together during and after government

formation in order to serve the best interests of the residents of the Iraqi Kurdistan Region, and for the sake of Iraq's stability.

Question. What role will institutional reform and anti-corruption efforts play in this strategy?

Answer. First, it is vital that Iraq form a government that will work toward meaningful reform in the service of the Iraqi people. Once a new government forms, if confirmed, I will continue Embassy Baghdad's efforts to encourage and support reforms to counter corruption, improve the investment climate, and improve the rule of law. The U.S. and Iraqi Governments concurred on the need for such reforms during the strategic dialogue meetings over the past two years. Such reforms would benefit Iraq's stability and prosperity, the well-being of the Iraqi people, and the U.S.-Iraq strategic partnership.

Question. To what extent do you feel this political impasse creates a political security vacuum that makes Iraq vulnerable to outside interference?

Answer. This political impasse has created opportunities for outside influence, particularly from Iran. This is one reason why, if confirmed, I would continue Embassy Baghdad's and Consulate General Erbil's encouragement of party leaders to put Iraq's interests first and form a government as quickly as possible.

Question. How might the U.S. advance the economic reforms Iraq so desperately needs? Where does transparency and anti-corruption factor in your list of priorities?

Answer. If confirmed, I would seek to continue to use bilateral fora, such as Strategic Dialogues and trade and investment discussions, tying specific assistance to needed economic reforms. The Embassy in Baghdad is currently engaged in advocacy supporting roughly $4.9 billion in U.S. business, primarily in the energy sector. Soliciting input from business organizations like the U.S.-Iraq Business Council would expand this base and highlight roadblocks encountered by U.S. businesses. Finally, the more than 800,000 young Iraqis who enter the workforce annually represent an opportunity for the United States to use its soft power to expand Iraq's entrepreneurship base, create jobs, and diversify Iraq's economy.

Transparency and anti-corruption factor high on the Administration's list of priorities. Foreign direct investment directly correlates to perceived security and lack of corruption. Improving the business climate and efficiency of the government bureaucracy would encourage U.S. companies to expand investment, and if confirmed, I would work toward this goal.

Question. If confirmed, how do you plan to go about addressing the growing influence of Russia and China in Iraq? What threat do you believe they pose to U.S. national security interests there?

Answer. Insulating Iraq from the malign influence of Russia and People's Republic of China (PRC) is key to our national security interests in the region. As Ambassador to Kuwait, I am concerned about the efforts by the PRC and Russia to strengthen their influence in the region at the expense of the United States strategic partnerships in the Gulf. If confirmed, one of my primary concerns would be that Russia could seek to expand or strengthen its military ties with Iraq. If confirmed, I would work to ensure Iraq is aware of the consequences of pursuing military ties with Russia. I would also press Iraqi leaders to stand with the vast majority of the international community, including most Arab countries, in condemning Russia's invasion of Ukraine. If confirmed, I would advance our conversation with Iraq on further steps we can take to ensure a stable global supply of energy, no matter what Putin does.

The PRC's main focus in Iraq is the energy sector, but it is also a significant player in Iraq's information and communication technology market as well. As oil revenues rise and Iraq moves forward with more commercial projects, U.S.-PRC economic competition is likely to increase. It is vital we continue to emphasize to the Government of Iraq the value of our continued partnership and the risks associated with the PRC's information collecting capacity and other problematic PRC activities.

If confirmed, I would also continue Embassy Baghdad and Consulate General Erbil's coordination with the State Department and other agencies to identify and share with social media companies Russian and PRC sources of disinformation, exhortations to violence, and hate speech that may violate their terms of service agreements.

Question. In your opinion, what steps can the U.S. take to improve our diplomats' ability to get outside the Embassy compound? How do you intend to improve the ability of U.S. diplomats to better access all local populations?

Answer. The safety and security of our personnel is my highest priority; however engaging with our Iraqi counterparts is essential to doing our jobs effectively. If confirmed, I would regularly review staffing levels and the security situation to ensure that we have sufficient staff to meet our national security interests.

Our Embassy in Baghdad has already made great progress in restoring our public diplomacy initiatives. Opportunities exist for greater engagement with Iraqis, and if confirmed I would assess our staffing levels to determine if they should be adjusted to expand our engagement. I would prioritize the reconstruction of the infrastructure destroyed in the 2019 attack. I would also support enabling the Consular Section to once again process visas for U.S. Government exchange visitors and students.

Question. What is your understanding of morale throughout Mission Baghdad?

Answer. I understand that Mission Iraq conducted a survey last fall to gauge post morale and well-being, as well as to solicit general views on post operations. The survey included questions on leadership, job satisfaction, and Embassy operations, as well as measures of diversity and inclusion, and the results helped identify ways that quality of life can be improved.

COVID restrictions and disruptions have undoubtedly impacted Mission Iraq over the past two years. However, with 99 percent of Mission employees vaccinated, the Mission has been able to relax masking and social distancing requirements, allowing the return for the most part to pre-COVID operations. If confirmed, I look forward to engaging with the Embassy staff and using the results of the recent survey as a guide for improving morale.

Question. How do you intend to improve morale at Mission Baghdad?

Answer. Mission Iraq is a challenging but rewarding place to work. If confirmed, I would ensure that employees have clear goals and understand their role in advancing our national interests. I would foster an equitable environment in which input is solicited and considered and in which decisions are made in a transparent manner. Now that the COVID situation has improved, I would also promote opportunities outside of the office setting to rebuild and strengthen the Mission's sense of community and our mission in Iraq and the region.

Question. How do you intend to create a unified mission and vision at Mission Baghdad?

Answer. Mission Iraq consists of a diverse community of direct-hire employees, contractors, and local staff across multiple U.S. agencies spread between multiple locations. In such a large community, it can be challenging to maintain a sense of cohesion, yet all work together to support vital U.S. national security priorities in Iraq. If confirmed, I would make every effort to clearly communicate our mission and be accessible at all of our locations, including through town hall meetings, written communications, and staff meetings. My experience at four different national security agencies gives me a unique perspective that will help me to create and maintain a unified vision among a diverse community.

Question. How would you describe your management style?

Answer. In all of my prior positions, I have been fortunate to work with a smart, dedicated team of professionals. My management style is to support a diverse, inclusive, and collaborative decision making process in which all people feel included and empowered. I take great pride in mentoring both Civil and Foreign Service as well as military colleagues and look for ways to help them succeed and further their careers. If confirmed, I would seek to provide a clear, strategic vision to advance the President's agenda and look to my Embassy colleagues to provide innovative ideas and will value their input.

Question. Do you believe it is ever acceptable or constructive to berate subordinates, either in public or private?

Answer. No, bullying or berating colleagues is never acceptable.

Question. How do you envision your leadership relationship with your Deputy Chief of Mission?

Answer. The Deputy Chief of Mission position is an essential part of an Embassy team. If confirmed, I plan to have a close, collaborative relationship with my DCM and would rely on his or her frank and honest counsel on all Mission matters. A positive working relationship between the Chief of Mission and the Deputy Chief of Mission is essential to good morale at an Embassy.

Question. If confirmed, what leadership responsibilities do you intend to entrust to your Deputy Chief of Mission?

Answer. As the Chief of Mission, I would expect that my Deputy Chief of Mission would take a lead role on the implementation of all security, management, and operational matters, including the professional development of first and second tour officers. However, since I cannot be in the country at all times, if confirmed I would also expect my DCM to have developed strong relationships with Iraqi policymakers and be able to step into my shoes when needed. The DCM must also be able to deliver honest and frank assessments to me at all times and not be reticent to provide bad news.

Question. Do you believe that it is important to provide employees with accurate, constructive feedback on their performances in order to encourage improvement and reward those who most succeeded in their roles?

Answer. Yes. I believe that it is my responsibility as a manager and leader to provide accurate, constructive, and timely feedback to employees. I would also expect my team to provide honest feedback to me. If confirmed, I will use all available management tools, including awards and letters of appreciation, to reward and recognize those who are most successful in their roles.

Question. If confirmed, would you support and encourage clear, accurate, and direct feedback to employees in order to improve performance and reward high achievers?

Answer. Yes. If confirmed, I would expect all of the supervisors at Mission Iraq to adhere to Department leadership principles to provide clear, accurate, and direct feedback to employees. If confirmed, I would also use all available management tools, including awards and letters of appreciation, to recognize and reward high achievers.

Question. What public diplomacy challenges does U.S. face in Iraq? How do you plan on addressing these?

Answer. Public diplomacy challenges in Iraq include 1) countering pernicious Iranian and violent extremist influence that undermine Iraqi sovereignty, 2) promoting economic prosperity, 3) supporting free and fair elections, 4) increasing transparency and good governance, 5) providing humanitarian and stabilization assistance, and 6) encouraging respect for religious, ethnic, and minority communities. If confirmed, I would continue current efforts to highlight shared priorities: U.S. support for Iraqis as they stand against corruption and demand accountability from their elected officials; specific examples of U.S. Government assistance, including to religious and ethnic minorities; U.S. pandemic assistance; U.S. support for economic reforms; and sustained and aggressive counter messaging against malign Iranian messaging and activity. If confirmed, I would continue our Embassy's close work with U.S. military elements in support of national security priorities, including the enduring defeat of ISIS. I would also make it a priority to continue the Embassy and Consulate General's cultural engagements, educational exchange programs, and public outreach programs with Iraqis.

Question. What steps can the U.S. take to address the proliferation of propaganda promoted by adversaries and strategic competitors in the Middle East?

Answer. Our cultural, educational, and media engagements with Iraqis are a cornerstone of communicating America's desire to build durable connections and promote mutual understanding between the citizens of both nations. These engagements have and can continue to play a powerful role in countering disinformation about the United States, its policies, and its people.

If confirmed, I would seek to expand these engagements and continue Embassy Baghdad and Consulate General Erbil's coordination with other offices in the State Department and other agencies to work with social media companies to identify and share with social media companies Russian and PRC sources of disinformation, exhortations to violence and hate speech that may violates their terms of service agreements.

Question. How do you balance the importance of Main State versus the in-country mission when it comes to tailoring public diplomacy messages for foreign audiences?

Answer. In keeping with the spirit of the Smith-Mundt Act, the public diplomacy activities at our Embassy in Baghdad are focused on influencing the opinions and attitudes of Iraqi audiences. Though the State Department provides policy guidance and resources that shape and support the Embassy's efforts, the ultimate decision regarding tone and content of our messaging resides with our experts in the field.

Question. "Anomalous health incidents," commonly referred to as "Havana Syndrome," have been debilitating and sidelining U.S. diplomats around the world for years. They have caused serious, negative consequences for U.S. diplomacy, yet

many believe that the Department is not doing enough to care for, protect, and communicate to its personnel. The past occurrences and ongoing threat of anomalous health incidents among Embassy personnel and their families poses a serious challenge to morale. When personnel at post fear for their safety or doubt that their case will be taken seriously if they were affected, the performance of Embassy operations can suffer. If confirmed, do you commit to taking this threat seriously?

Answer. The Department has no higher priority than the health and safety of our employees. If confirmed, I would take these incidents seriously, investigate them thoroughly, and ensure that our staff promptly get the medical assistance they need.

Question. If confirmed, do you commit to talking as openly as you can to Mission Iraq personnel?

Answer. Yes. If confirmed, I would provide as much information as I can to Mission Iraq personnel regarding health incidents and other security matters. I would promote effective and comprehensive communication throughout Mission Iraq, actively solicit community feedback, and work to address employee concerns.

Question. Have you received a briefing on the anomalous health incidents that have occurred to U.S. Government personnel around the world, including at U.S. embassies and other diplomatic posts? If you have not, and if you are confirmed, do you commit to receiving a briefing on the incidents before you depart for your post?

Answer. Yes, I have received these briefings in my current position as U.S. Ambassador to Kuwait.

Question. In the event of an anomalous health incident among your Embassy personnel or eligible family members, do you commit to maintain detailed records of the incident, and share the information with the State Department and other embassies to contribute to the investigation of how these attacks are affecting U.S. missions and personnel around the world?

Answer. Yes, if confirmed, I commit to ensuring that our staff promptly get the medical assistance they need and that any anomalous health incidents are recorded in detail and reported through the proper channels.

Question. Whether or not anomalous health incidents occur at your Embassy, how will you work to restore and preserve morale that may be lost due to the knowledge these attacks have been occurring at posts around the world?

Answer. If confirmed, I would ensure our employees know there is nothing the Department and I take more seriously than their well-being. I will treat every reported case seriously and communicate the Department's work in caring for and supporting those affected and in determining the causes of the incidents. Our employees around the world are committed to serving the American people and promoting our national interests with integrity and professionalism, and they deserve nothing less than the best we can offer.

Question. In the State Department's 2021 Trafficking in Persons Report, Iraq remained on Tier 2 for scaling their anti-trafficking efforts in key areas but failing to accurately screen victims, provide proper protection and prosecution efforts. Iraq also did not prosecute or convict any traffickers during the reporting period. How will you work with relevant stakeholders in the Iraqi Government and civil society to address these issues if you are confirmed as Ambassador?

Answer. The Government of Iraq and the Kurdistan Regional Government have increased their efforts to improve anti-trafficking capacity over the last few years, but there is still much to be done. If confirmed, I would engage and encourage the relevant stakeholders in the Iraqi Government and KRG in these efforts, including identifying and screening vulnerable populations for trafficking indicators and supporting the creation of a systematic identification and referral mechanism. Civil society engagement on trafficking is key in Iraq, and I would coordinate closely with relevant organizations in-country to strengthen ongoing initiatives. In addition to protection concerns, if confirmed, I would urge the Government to make progress in line with the other recommendations outlined in the 2021 TIP Report.

Question. If confirmed, do you commit to accurately portraying any situational updates regarding human trafficking in Iraq in the annual Trafficking in Persons report?

Answer. Yes.

Question. In the State Department's 2020 International Religious Freedom report, Iraq was identified as lacking governmental and societal respect for religious free-

dom. What is your assessment of this particular issue and if confirmed, how will you work with the Ambassador-at-Large to bolster religious freedom in-country?

Answer. Protection for members of vulnerable ethnic and religious communities is a priority for the Department. The administration supports a stable, prosperous, and democratic Iraq that serves all its citizens, including members of its most vulnerable and marginalized communities. If confirmed, I would continue to prioritize U.S. assistance programs that encourage durable solutions for members of Iraq's most vulnerable populations, and focus on promoting a democratic, inclusive, and rights-respecting governance system. I look forward to coordinating with the Ambassador-at-Large for International Religious Freedom Rashad Hussain on this strategy and meeting with these communities and addressing their concerns.

Question. In the State Department's 2020 Human Rights Report, Iraq was identified as having significant human rights issues including unlawful or arbitrary killings, including extrajudicial killings; forced disappearances; torture and cases of cruel, inhuman, and degrading treatment or punishment; harsh and life-threatening prison and detention center conditions; arbitrary arrest and detention; arbitrary or unlawful interference with privacy; serious restrictions on free expression, the press, and the internet, including violence against journalists, and much more.

- If confirmed, how will you direct your Embassy to work with civil society organizations to improve the human rights situation on the ground?

Answer. Inclusion of civil society voices and perspectives is central to open and accountable governance. If confirmed, ensuring that Embassy staff work closely with civil society to further strengthen civil society and democratic institutions would be a priority for me, just as I have done as Ambassador to Kuwait. Furthermore, I would urge the Government of Iraq and the Kurdistan Regional Government to ensure the protection of fundamental freedoms, including freedom of expression, and to more strongly protect civil society from harassment.

Question. What options are available to the U.S. mission to bolster human rights?

Answer. I understand that U.S. officials in Washington, Baghdad, and Erbil continue to raise our human rights concerns with all levels of the Iraqi Government, which I would continue, if confirmed. That would include urging the protection of peaceful protesters, activists, women in public life, and journalists, and pursuing judicial accountability for violent crimes against those individuals. If confirmed, I would also consider all options available, such as the Global Magnitsky Act and other designation authorities, to promote accountability for those who personally profited through corrupt acts or play a role in attacking peaceful protesters, resulting in the deaths of Iraqis.

Promoting accountability to voters and transparency in elections is also important. In support of the recent Iraqi elections, the United States provided $9.7 million to UNAMI for technical electoral-assistance work, and another $5.2 million to support UNAMI's election monitoring team. If confirmed, I would continue efforts to encourage Iraqi leaders to form a government without further delay.

Continued humanitarian assistance, such as the additional $155 million announced by the U.S. Government in July 2021, provides shelter, healthcare, food, water, and hygiene services across Iraq and helps displaced Iraqis obtain civil documentation, legal services, and increased access to education and job opportunities. Our programming addresses critical human rights needs through a variety of interventions, including securing, exhuming, and processing mass graves, and providing psychosocial and legal aid services to support the rehabilitation of survivors of sexual and gender-based violence, and other groups in vulnerable circumstances.

If confirmed, I would consider all of these options to continue support for our human rights goals and other national security interests.

Question. The Office of Multilateral Strategy and Personnel (MSP) in the State Department's bureau of International Organizations is leading a whole-of-government effort to identify, recruit, and install qualified, independent personnel at the U.N., including in elections for specialized bodies like the International Telecommunication Union (ITU). There is an American candidate, Doreen Bogdan-Martin, who if elected would be the first American and first woman to lead the ITU. She is in a tough race that will require early, consistent engagement across capitals and within the U.N. member states. If confirmed, do you commit to demarching the Iraqi Government and any other counterparts necessary to communicate U.S. support of Doreen?

Answer. Ms. Doreen Bogdan-Martin is by far the best qualified candidate for Secretary-General of the International Telecommunication Union (ITU). The Department places a high priority on this election and we regularly advocate on behalf of

Ms. Bogdan-Martin. If confirmed, I would enthusiastically support her candidacy and encourage Iraq to vote for her as the next ITU Secretary-General.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. ALINA L. ROMANOWSKI BY SENATOR TODD YOUNG

Question. Do you agree with the Biden administration's support for repealing the 2002 and 1991 AUMF?

Answer. Yes. As the Administration has stated, there are no current military operations that rely on the 1991 AUMF and the United States has no ongoing military activities that rely solely on the 2002 AUMF as a domestic legal basis, and that repeal of the 2002 AUMF would likely have minimal impact on current counterterrorism operations.

Question. Practically speaking, what do you believe would be the effect of repeal on both our diplomatic relationship and our regional policies?

Answer. There are no current military operations that rely on the 1991 AUMF and the United States has no ongoing military activities that rely solely on the 2002 AUMF as a domestic legal basis, and repeal of the 2002 AUMF would likely have minimal impact on current counterterrorism operations. A repeal would show the U.S. commitment to continuing a strong relationship with our Iraqi and regional partners.

Question. What is your assessment of Iran's current influence in Iraq?

Answer. Iran remains the primary and enduring threat to Iraq as well as the region due to its increasingly sophisticated military capabilities, broad proxy network, and willingness to use force against the United States, our allies, and partner forces. Iran-backed militia groups destabilize Iraqi politics, as we have seen most recently with their attacks and threats against Iraqi officials and politicians during the Government formation process. Iran benefits from the patronage based political system and seeks to undermine efforts for meaningful reform. As protests since October 2019 and the election results show, the Iraqi people are increasingly concerned by Iran's destabilizing influence and want a government responsive to their needs.

Question. Given that the current divide in forming a government is driven by disagreements between the major Shia parties, will an outcome there serve as a bellwether for how the political class and voters perceive Iran?

Answer. Iran-backed groups performed poorly in the October 10 elections and lost a significant number of seats. However, delays in government formation could create a potential opening for Iran to increase its influence in the internal affairs of Iraq. The United States continues to urge political leaders to compromise on a way forward and expedite government formation. The United States seeks a government that bolsters Iraq's sovereignty, addresses the needs of all Iraqi people including security, and prioritizes economic and political reforms.

Question. From a Chief of Mission perspective, how will you approach ensuring the security of your diplomats from Iranian aggression while ensuring they are still out and doing the business of diplomacy?

Answer. If confirmed, my highest priority will be the safety and security of all U.S. Government personnel in Iraq. If confirmed, I will ensure the mission continuously assesses the security, threats, and health environment in Iraq to maintain the safety of all personnel under Chief of Mission security responsibility. As the mission recovers from COVID, increasing face-to-face diplomacy with in-person meetings is an essential part of the strategy to maintain and strengthen our bilateral relationship with the Government of Iraq and the Iraqi people while keeping our people safe. Balancing security and engagement will be my highest priority.

Question. Given the ongoing threat from ISIS and Iranian forces, and in light of last month's strike against the ISIS leader, how do you assess the role U.S. military forces will continue to play in Iraq and in the wider region?

Answer. U.S. forces remain in Iraq to advise, assist, and enable the Iraqi Security Forces, including the Kurdish Peshmerga, in the continuing fight against ISIS and the development of a capable, self-reliant, and accountable security force, supported by the Government of Iraq. I believe U.S. military forces will remain an important counterterrorism and security partner to Iraq and the region, I must defer to the Department of Defense for further specifics.

Question. Will Iraq remain a base for U.S. counterterrorism and intelligence missions?

Answer. U.S. military forces in Iraq have transitioned to an advise, assist, and enable mission to support the Iraqi Security Forces, which includes intelligence, surveillance, and reconnaissance support. The Department of State continues to provide counterterrorism assistance to Iraq to prevent violent actors, including ISIS, from destabilizing and terrorizing its population and the region, to respond to and interdict terrorism threats, and to assist the Government of Iraq and the Kurdistan Regional Government to better detect and prevent the flow of known or suspected terrorists and facilitators, illicit materials, and weapons. The Department can provide additional information in a classified setting.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. ALINA L. ROMANOWSKI BY SENATOR TED CRUZ

Question. The Biden administration's new nuclear agreement with Iran will provide Iran with sanctions relief worth hundreds of billions of dollars, including through the immediate release of assets and the lifting of sanctions on economic activities. Do you believe that Iran will use resources that flow from a new agreement to finance Iran-supported forces in Iraq?

Answer. Iran has demonstrated it is a threat to regional security and stability, particularly within Iraq. However, the maximum pressure campaign had virtually no impact on Iran's nefarious behavior, and Iran rapidly expanded its nuclear program after the previous administration left the JCPOA. A mutual return to full implementation of the JCPOA is the best available option to constrain anew Iran's nuclear program, because an Iran with a nuclear weapon would present a far greater threat. The JCPOA would also provide a platform to address Iran's other actions, including their support of destabilizing forces in Iraq. The United States will continue to use its full range of tools, including sanctions that would persist even during any mutual return to full implementation of the JCPOA, to counter Iran's destabilizing activities in Iraq and its support for terrorism, without regard to how Iran resources those illegitimate efforts.

Question. The Biden administration's new nuclear agreement with Iran will provide Iran with sanctions relief worth hundreds of billions of dollars, including through the immediate release of assets and the lifting of sanctions on economic activities. Do you believe that Iran will use resources that flow from a new agreement to finance terrorist groups, either in Iraq or in other countries?

Answer. President Biden has been clear that the United States is committed to ensuring Iran never acquires a nuclear weapon. Iran's actions pose fundamental problems across a series of issues—including its support for terrorism, its ballistic missile program, its destabilizing actions throughout the region, including in Iraq, and its abhorrent practice of using wrongfully detained U.S. citizens and foreign nationals as political tools. Because an Iran with a nuclear weapon would make all these threats far worse, the President's strategy is to pursue a mutual return to full implementation of the JCPOA to restrict Iran's nuclear program and provide a stronger platform to address its destabilizing conduct across the region, including in Iraq. The Biden-Harris administration is committed to use the full range of tools at its disposal to counter Iran's destabilizing activities, limit Iran's ability to finance all groups that work to destabilize the region or the world, and intercept weapons flows to these groups. However, Iran's past behavior has proven that their decisions to fund proxy groups throughout the region, including in Iraq, will likely not change.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO DOUGLAS T. HICKEY BY SENATOR ROBERT MENENDEZ

Finland's Sovereignty

Question. Like all countries, Finland's right to choose its own alliances and associations is a sovereign one. As discussions about potential Finnish NATO membership increase as a result of Russia's illegal invasion of Ukraine, the Russian Foreign Ministry has said that Finland's accession to NATO would have "serious military and political repercussions."

- What role do you see for the United States in helping to protect Finnish sovereignty to make its own decisions?

Answer. Finland's leadership has consistently reaffirmed that it is Finland's sovereign decision whether or not to join NATO, rejecting any attempt by Russia to restrict NATO's Open-Door policy. If confirmed as U.S. Ambassador to Finland, I commit to consistently reaffirm the message to our Finnish partners that NATO's door is open, if they choose to pursue NATO membership.

Nordic Security

Question. Russia's invasion of Ukraine came after months of increased military activity in its Murmansk region and Kaliningrad enclave.

- How do you assess existing U.S.-Finnish security cooperation, and where do you see opportunities to deepen cooperation to promote security in the Nordic and Baltic states?

Answer. The United States and Finland cooperate on regional and global security, free trade, emerging technology, countering hybrid threats, and counterterrorism. Finland shares our goal of strengthening the transatlantic relationship to address the full range of threats and challenges. Finland's 800-mile-long border with Russia—the longest in the EU—means it is a key partner in ensuring Europe's security. Finland's purchase of F–35As will ensure the transatlantic security partnership continues to deepen. Common logistics and interoperability will create future opportunities for further security cooperation for decades to come. If confirmed, I will work to continue to deepen cooperation to promote security in the Nordic and Baltic states.

Malign Chinese Influence

Question. Finland's 2020 telecoms law allows for the country to ban equipment within the 5G network's key assets due to national security concerns, but does not name any particular company. Some interpreted this as a refusal to point a finger at Chinese companies.

- How do you assess Finland's relationship with China? Is Finland a potential partner in strategic competition with China?

Answer. While Finnish officials are willing to publicly criticize the PRC's human rights record, they also stress the importance of maintaining effective dialogue. Although Finland does not ban specific vendors from its 5G network, changes to its telecommunications law in December 2020 make it difficult for untrusted vendors to operate in the network. If confirmed, I look forward to working with Finnish officials, the business community, and civil society on this important issue, as well as working to increase U.S. trade with Finland as a counterbalance to the PRC's growing influence in Europe.

Climate

Question. Temperatures in the Arctic are rising three times faster than the global average. Climate change in the Arctic both harms local ecosystems and impacts the global climate system.

- How will you work with Finland within the framework of the Arctic Council to address climate change?

Answer. Finland, like the United States, is an Arctic nation, and our main forum for cooperation on Arctic issues is the Arctic Council. Both the United States and Finland work together within the Arctic Council to enhance sustainable development, environmental protection, and the well-being and security of the people living in the region. Finland has set among the most ambitious goals in Europe of achieving carbon neutrality by 2035. It plans to phase out coal by May 2029 and increase the share of renewables in energy consumption to more than 50 percent during the 2020s to help achieve this goal. If confirmed, I will work with U.S. and Finnish Government officials and scientific experts to support Finland's ambitious climate goals.

Anomalous Health Incidents

Question. I am very concerned about directed energy attacks on U.S. Government personnel (so-called Anomalous Health Incidents). Ensuring the safety and security of our personnel abroad falls largely on individual Chiefs of Mission and the response of officers at post. It is imperative that any individual who reports a suspected incident be responded to promptly, equitably, and compassionately.

- Do you agree these incidents must be taken seriously, and pose a threat to the health of U.S. personnel?

Answer. Yes. If confirmed, I will take nothing more seriously than the health and security of the people working with me. The interagency community continues its examination of a range of hypotheses. Secretary Blinken prioritizes the Department's response to anomalous health incidents, setting clear goals for the Health Incident Response Task Force to strengthen the Department's communication with its workforce and providing care for affected employees and family members.

Question. If confirmed, do you commit to ensuring that any reported incident is treated seriously and reported quickly through the appropriate channels, and that any affected individuals receive prompt access to medical care?

Answer. Yes. I will do everything possible to ensure that employees who report a possible anomalous health incident receive immediate and appropriate attention and care and the incident is reported through appropriate channels.

Question. Do you commit to meeting with medical staff and the RSO at post to discuss any past reported incidents and ensure that all protocols are being followed?

Answer. Yes. If confirmed, I will take nothing more seriously than the health and security of the people who will work with me. I commit to working with health and security officials and other parties as recommended.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO DOUGLAS T. HICKEY BY SENATOR JAMES E. RISCH

State Department Manangement and Public Diplomacy

Question. Many U.S. Missions have been under enormous stress over the last few years, in large part due to COVID.

- What is your understanding of morale throughout Mission Helsinki?

Answer. Mission Helsinki has faced challenges posed by COVID–19, and I am thankful for the staff's continued service. If confirmed, the health and safety of the personnel and family members of Mission Helsinki will be my first priority, and I look forward to working with the talented team of locally employed staff, U.S. Direct Hires, and their families, and ensuring that everyone on my team understands they are valued and has my support.

Question. How do you intend to improve morale at Mission Helsinki?

Answer. If confirmed, I will ensure everyone on my team is treated professionally, their rights are respected, they are safe and secure, and they have the resources necessary to perform their jobs. We are all one team working for the good of the U.S.-Finnish relationship and the interests of the United States and the American people.

Question. How do you intend to create a unified Mission and vision at Mission Helsinki?

Answer. If confirmed, I look forward to ensuring open and continuous communication throughout the Mission. We are all one team working together to advance the U.S.-Finnish relationship and the interests of the American people, so I will ensure this collaborative service focus is central to our work. Furthermore, U.S. Embassy Helsinki is committed to a diverse and inclusive workforce. Diversity makes our Mission strong by bringing different perspectives and enhancing creativity and if confirmed, I look forward to working with the team to maximize innovation and effectiveness.

Question. Management is a key responsibility for chiefs of Mission.

- How would you describe your management style?

Answer. I believe in the importance of serving the community, and I have demonstrated an ability to work with colleagues of all backgrounds in a constructive manner. I regularly engage with members of my team and always seek to create a space for open dialogue and diversity of thought. If confirmed, I will work hard to foster an environment of respect as Mission Finland carries out important work on behalf of the American people. I also believe in setting high standards and leading by example. Our employees are our most important asset. I am dedicated to professional development and helping employees grow and advance.

Question. Do you believe it is ever acceptable or constructive to berate subordinates, either in public or private?

Answer. No, it is never acceptable or constructive to berate subordinates, either in public or private.

Question. How do you envision your leadership relationship with your Deputy Chief of Mission?

Answer. If confirmed, I look forward to a close and productive relationship with the Deputy Chief of Mission (DCM). If confirmed, I will work closely with the DCM to advance U.S. priorities in Finland, including protecting the safety and security of Americans, expanding our economic relationship, and advancing shared priorities.

Question. If confirmed, what leadership responsibilities do you intend to entrust to your Deputy Chief of Mission?

Answer. If confirmed, I will consult closely with the Deputy Chief of Mission on a range of issues and I will value the institutional knowledge provided. If confirmed, I will entrust the DCM with responsibility for the day-to-day operations of the Mission, and the DCM should keep abreast of policy issues to be able to serve as Chargé d'Affaires in my absence.

Question. In order to create and continue employee excellence at the Department, accurate and direct employee evaluation reports (EERs) for Foreign Service Officers are imperative, though often lacking.

- Do you believe that it is important to provide employees with accurate, constructive feedback on their performances in order to encourage improvement and reward those who most succeeded in their roles?

Answer. Yes, I believe it is important to use the performance evaluation process to provide employees with timely, honest, accurate, and constructive feedback on their performance.

Question. If confirmed, would you support and encourage clear, accurate, and direct feedback to employees in order to improve performance and reward high achievers?

Answer. Yes. If confirmed, I would support and encourage clear, accurate, and direct feedback to employees to improve performance and reward high achievers.

Question. It is imperative that U.S. diplomats get outside of posts abroad to meet with local actors, including host government officials, non-government organizations, and fellow foreign diplomats stationed in Finland.

- In your opinion, do U.S. diplomats get outside of our Embassy walls enough to accomplish fully their missions?

Answer. Based on my knowledge of the Department and Embassy operations overseas, U.S. diplomats have done a remarkable job to get outside our Embassy walls and advance U.S. objectives by meeting local actors in diverse settings and environments. The COVID–19 pandemic has been a challenge for U.S. diplomats to travel and fully engage face-to-face with host country nationals, but as conditions improve, I understand that U.S. diplomats have resumed in-person engagements and programs again. I firmly believe it is imperative that U.S. diplomats get outside of the Embassy to meet with local citizens, including host government officials and non-governmental organizations.

Question. How do you intend to improve the ability of U.S. diplomats to better access all local populations?

Answer. If confirmed, I plan to exchange ideas with people from all parts of the country to hear their views and promote our shared goals. I will use both social and traditional media to reach people across Finland. Diversity, equity, inclusion, and accessibility are also an important part of public diplomacy outreach to ensure efforts reflect the diversity of U.S. society and societies abroad and encourage the involvement of people from traditionally underrepresented audiences. If confirmed, I will work with the Embassy team to continue leveraging engagements with the media, cultural and educational exchange organizations, and individual interactions to expand the people-to-people bonds that are the foundation of our strong bilateral relationship.

Question. Public diplomacy is an important aspect of U.S. foreign policy efforts.

- What is the public diplomacy environment like in Finland?

Answer. The United States has strong academic, cultural, and professional exchanges with the people of Finland. If confirmed, I will work with the Embassy team to continue leveraging relationships with the media, cultural and educational exchange organizations, and individuals to expand the people-to-people bonds that are the foundation of our strong bilateral relationship.

Question. What public diplomacy challenges do U.S. diplomats face there?

Answer. The COVID–19 pandemic has been a challenge for U.S. diplomats to travel and fully engage face-to-face with host country nationals. As conditions improve, U.S. diplomats have started in-person engagements and programs again. If confirmed, I look forward to utilizing both traditional and social media to engage with the Finnish public, in addition to in-person programs.

Question. How do you balance the importance of Main State versus the in-country mission when it comes to tailoring public diplomacy messages for foreign audiences?

Answer. We are all one team working to advance the bilateral relationship and the interests of the United States and the American people. If confirmed, I will leverage public diplomacy tools to enhance security cooperation, expand economic and trade relations, strengthen collaboration on Arctic and climate issues, and deepen people-to-people ties. I will work to counter adverse influence and mis- and disinformation through engagements with traditional media, communication via social media, institutional outreach and personal interactions, and through a variety of public diplomacy programming. Working with the public diplomacy team, we will tailor our messaging in a way that is most appropriate for the Finnish public.

Question. "Anomalous health incidents," commonly referred to as "Havana Syndrome," have been debilitating and sidelining U.S. diplomats around the world for years. They have caused serious, negative consequences for U.S. diplomacy, yet many believe that the Department is not doing enough to care for, protect, and communicate to its personnel. The past occurrences and ongoing threat of anomalous health incidents among Embassy personnel and their families poses a serious challenge to morale. When personnel at post fear for their safety or doubt that their case will be taken seriously if they were affected, the performance of Embassy operations can suffer.

- If confirmed, do you commit to taking this threat seriously?

Answer. Yes. If confirmed, there is nothing I will take more seriously than the health and security of the people who will be working with me.

Question. If confirmed, do you commit to talking as openly as you can to Mission Helsinki personnel?

Answer. Yes. If confirmed, I commit to sharing what information I can within the bounds of privacy and security concerns with Mission Helsinki personnel.

Question. Have you received a briefing on the anomalous health incidents that have occurred to U.S. Government personnel around the world, including at U.S. embassies and other diplomatic posts? If you have not, and if you are confirmed, do you commit to receiving a briefing on the incidents before you depart for your post?

Answer. I have received a briefing at the unclassified level on the anomalous health incidents that have affected U.S. Government personnel around the world. If confirmed, I commit to seeking full briefings at the appropriate classification levels before my departure to post and learning how I can best protect all Embassy personnel and respond to reports of any future potential incidents.

Question. In the event of an anomalous health incident among your Embassy personnel or eligible family members, do you commit to maintain detailed records of the incident, and share the information with the State Department and other Embassies to contribute to the investigation of how these attacks are affecting U.S. Missions and personnel around the world?

Answer. If confirmed, the safety and security of the personnel and family members of Embassy Helsinki, and American citizens in Finland, will always be my first priority. Should an individual report a potential anomalous health incident, I commit to ensuring the incident is reported through the appropriate channels and sharing what information I can within the bounds of privacy and security concerns.

Question. Whether or not anomalous health incidents occur at your Embassy, how will you work to restore and preserve morale that may be lost due to the knowledge these attacks have been occurring at posts around the world?

Answer. If confirmed, the safety and security of Embassy personnel, their families, and American citizens in Finland will always be my first priority. This is an issue I take very seriously and is a top priority for Secretary of State Antony Blinken. If confirmed, I will take every measure to keep our staff safe and secure and would take any report of a potential anomalous health incident very seriously. I will ensure those affected receive appropriate and prompt medical attention, and that incidents are investigated fully and reported through the appropriate channels.

I will share what information I can within the bounds of privacy and security concerns with my team and the mission community.

Europe and Eurasia

Question. For decades, Finland has been a key negotiator between Russian interests and NATO interests.

- If confirmed, how would you make use of this diplomatic connection?

Answer. Finland has been outspoken against Russia's destabilizing actions, supports sanctions on Russia, and has issued timely statements condemning Russia's unprovoked and unjustified war against Ukraine. The United States works closely with Finland to monitor and push back against Russia's malign activities. If confirmed, I would continue to engage with the Finnish Government to ensure a unified and proactive approach to address Russian threats.

Question. As Putin's Government grows more aggressive toward Europe, will Finland lose its status as a mediator between NATO and Russia? If so, how will that affect NATO-Russia relations?

Answer. Finland maintains a pragmatic but firm relationship with Russia. Finland is a like-minded partner concerning Russia's unprovoked and unjustified war against Ukraine, and Finland supports a multilateral and diplomatic solution. President Niinistö, Prime Minister Marin, and Foreign Minister Haavisto have publicly condemned Russia's war against Ukraine as a grave breach of international law and an attack on the European security order.

Question. If Putin agrees to negotiate with the Ukrainian Government, would you advocate for this conference to take place on neutral territory under neutral supervision, such as in Finland? If yes, how?

Answer. While I cannot speak to hypotheticals, I would note that Finland is a like-minded partner concerning Russia's unprovoked and unjustified war against Ukraine, and Finland supports a multilateral and diplomatic solution. If confirmed, I commit to working closely with Finland to support our shared security goals.

Question. On February 26, 2022, Finnish Ambassador Mikko Hautala said Finland does not feel threatened by Russian warnings of a potential military response if they decide to join NATO.

- Do you think that Finland should be worried about the Russian military?

Answer. While I cannot speak for Finland, the country's independent defense capabilities safeguard over 800 miles of Europe's Russian border, enhancing the security of U.S. Allies and partners in the region. Finland maintains a pragmatic but firm relationship with Russia. Finland is a NATO Enhanced Opportunities Partner and actively participates in NATO political dialogue, exercises, and operations. Furthermore, Finland's purchase of F–35As will ensure the transatlantic security partnership continues to deepen.

Question. What will you do as Ambassador to prevent concerns of Russian aggression from rising?

Answer. Finland is a like-minded partner concerning Russia's unprovoked and unjustified war against Ukraine, and Finland supports a multilateral and diplomatic solution. President Niinistö, Prime Minister Marin, and Foreign Minister Haavisto have publicly condemned Russia's war against Ukraine as a grave breach of international law and an attack on the European security order. If confirmed, I will work to ensure U.S. and Finnish policies toward Russia remain closely coordinated.

Question. If Finnish sentiment does change, how will you use your role to assure Finland of U.S. support?

Answer. Finland is a valued partner and close friend, and the U.S.-Finland relationship is broad and multi-faceted. The United States and Finland cooperate on regional and global security, free trade, emerging technology, countering hybrid threats, and counterterrorism. If confirmed, I will work to continue to strengthen our cooperation with Finland and assure Finland of U.S. support on regional and global challenges.

Question. In the unlikely event of a Russian attack on Finnish territory, is their military sufficient to repel Russia's?

Answer. While I cannot speak to hypotheticals, Finland's independent defense capabilities safeguard over 800 miles of Europe's Russian border, enhancing the security of U.S. Allies and partners in the region. Finland is a NATO Enhanced Opportunities Partner and actively participates in NATO political dialogue, exercises, and operations. Furthermore, Finland's purchase of 64 F–35As and associated missiles

and munitions will provide Finland with a credible defense capability to deter aggression in the region and ensure interoperability with U.S. forces.

Question. Would you support U.S. security assistance to the Finnish Government in case of invasion?

Answer. While I cannot speak to hypotheticals, if confirmed, I will commit to continue to strengthen our cooperation with Finland on regional, security, and global challenges. Finland shares our goal of strengthening the transatlantic relationship to address the full range of threats facing the transatlantic community.

Question. In 2019, Finland's top import was crude petroleum, mostly from Russia. Its top 2019 export was refined petroleum, exporting mostly to Europe and the U.S.

- Given Finland's key role in the oil industry, how would the Finnish economy be affected by sanctions against Russia's oil and gas sector?

Answer. Finland is well ahead of most of the world in transitioning its economy to a sustainable and carbon-neutral energy footing, and as such is better prepared for possible disruptions of gas and oil supplies. While Finland imports all its natural gas from Russia, gas only accounts for five percent of Finland's energy consumption.

Question. Do you think that Finland would support those sanctions?

Answer. Finland has been outspoken against Russia's destabilizing actions, has been supportive of past sanctions on Russia, and has issued timely statements condemning Russia's unprovoked and unjustified war against Ukraine. Finnish officials and the public support the continuation of sanctions against Russia until the full restoration of Ukrainian territorial integrity within its sovereign, internationally recognized borders.

Question. On February 28, 2022, Finland decided to supply the Ukrainian Government with military gear, including firearms and ammunition.

- Do you support this decision? Why or why not?

Answer. Yes. We are seeing historic levels of international support for Ukraine and welcome the unprecedented security cooperation and assistance including lethal defensive aid. The United States has engaged Allies and partners to support Ukraine in the face of Russia's unprovoked war. If confirmed, I look forward to continuing this engagement.

Question. Russia's invasion of Ukraine could cause a long-term Ukrainian diaspora.

- Do you think that Finland would consider accommodating Ukraine's displaced citizens?

Answer. Recent media reports suggest Finnish citizens are welcoming and hosting Ukrainian refugees.

Question. Would you encourage the Finnish Government to do so?

Answer. The United States has encouraged countries in the region to adhere to their refugee obligations. Russia's war against Ukraine has created a rapidly growing humanitarian crisis, with more than one million refugees, predominantly women and children, having already fled the country.

Question. On Monday, February 28, 2022, Ukrainian president Zelenskyy submitted a petition for Ukraine to join the EU.

- Do you think that Finland will support this petition?

Answer. This is a question for Finland to determine.

Question. Would you encourage the Finnish Government to do so?

Answer. The transatlantic community remains the bedrock of U.S. foreign policy. It is the foundation of our shared security, our shared prosperity, and our shared values. If confirmed, I would work with Finland to support Ukraine's integration into European and Euro-Atlantic institutions, while leaving the specifics of the EU accession process to Finland and other EU member states.

NATO

Question. Finland has historically remained neutral in European security matters with regard to Russia; however, since Russia's reinvasion of Ukraine, Finland has taken action to send military assistance to the Ukrainian military, and popular support for joining NATO has surpassed 50 percent for the first time.

- What do you believe are the advantages and disadvantages of Finland joining NATO, both for Finland, the United States, as well as the NATO alliance itself?

Answer. Finland is a NATO Enhanced Opportunities Partner and actively participates in NATO political dialogue, exercises, and operations. Finland shares our goal of strengthening the transatlantic relationship to address the full range of threats facing the transatlantic community. Both the United States and Finland's leadership have consistently reaffirmed that it is Finland's sovereign decision whether or not to apply to join NATO, rejecting any attempt by Russia to restrict NATO's Open-Door policy. If confirmed as U.S. Ambassador to Finland, I commit to consistently reaffirm the message to our Finnish partners that NATO's door is open, if they choose to pursue NATO membership.

Question. As Ambassador, how would you approach the matter of Finland joining NATO?

Answer. If confirmed as U.S. Ambassador to Finland, I commit to consistently reaffirm the message to our Finnish partners that NATO's door is open, if they choose to pursue NATO membership.

Question. What ways can we work with Finland to advance our mutual national security interests in Europe outside of NATO?

Answer. The United States and Finland cooperate on regional and global security, free trade, emerging technology, countering hybrid threats, and counterterrorism. Finland's purchase of F–35As will ensure the transatlantic security partnership continues to deepen. Common logistics and interoperability will create future opportunities for further security cooperation between Finland and the United States for decades to come. Finland is a leader in critical and emerging technologies ranging from 5G and 6G to quantum computing. These industries represent billions of dollars in trade, investment, and cooperation aligned with American companies and interests. If confirmed, I will work to continue to strengthen our cooperation with Finland.

Question. Finland is a leader in the implementation of nuclear power and disposal of radioactive waste.

- Do you support the increased use of nuclear power in general?

Answer. There is broad public support in Finland to expand nuclear energy production. If confirmed, I would look to support this area as an opportunity to promote American technologies and nuclear energy solutions that accelerate the clean energy transition and facilitate an affordable pathway to net-zero.

Question. If sanctions are put on Russia's nuclear industry, which supplies unique equipment and material for nuclear plants around the world, including Finland, how will you work with the Government to ensure they can find alternatives while adhering to sanctions?

Answer. While I cannot speak to hypotheticals, if confirmed, I would work with the Finnish Government on viable, clean, low-carbon alternatives to Russian nuclear energy. Finland has been proactive in this area; Finnish leadership have publicly stated their intention to reduce energy dependence on Russia and the Government has halted Fennovoima's nuclear power project. If confirmed, I would seek opportunities for American industry, which has been a decades-long global leader in civil nuclear technologies and is developing some of the most advanced new technologies.

Question. In the event of a mainland European energy shortage due to reduced supply from Russia, how would you encourage the Finnish Government to assist in preserving and augmenting European energy security?

Answer. In 2019, a EUR 250 million subsea natural gas pipeline—called the Balticconnector—was completed between Finland and Estonia. This pipeline links Finland's gas grid with the Baltics and can be supplied via existing LNG terminals in Finland and the Baltics.

Question. In the coming decades, how do you foresee clean energy agreements affecting Finland's large oil and automotive industries?

Answer. Finland is a green energy leader in Europe and is on track to meet its ambitious 2035 carbon-neutral target. In general, there is broad public and political support for green energy reforms, and Finnish industries have already begun transitioning to sustainable and clean energy.

Question. Do you think they will be able to meet global climate benchmarks?

Answer. Finland has set among the most ambitious climate goals in Europe, including achieving carbon neutrality by 2035, planning to phase out coal by May 2029, and planning to increase the share of renewables in energy consumption to

more than 50 percent during the 2020s to help achieve this goal. If confirmed, I look forward to working with Finland to advance our shared climate goals.

Question. Finland has shown limited interest in accommodating asylum-seekers from Afghanistan and other countries. In November 2021, the Finnish Government raised its 2022 refugee quota from 1050 to 1500, which is still less than three people for every ten thousand Finnish residents.

- If confirmed, would you encourage the Finnish Government to raise that quota?

Answer. Finland has been a strong leader in its Afghanistan response, working closely with the United States and Allies to support evacuation and resettlement. In 2021, Finland quadrupled its humanitarian assistance to Afghanistan to 12.5 million euros. Finland continues to place human rights as a cornerstone of its foreign policy, and the United States can work with Finland to continue to ensure the rights and protection of refugees both within Finland and within a broader international system. If confirmed, I will work with and encourage Finland to raise the refugee quota further, while also recognizing its past leadership.

Question. How do you anticipate Finland and other EU countries will respond to the recent influx of refugees from Central Asia and the Middle East?

Answer. In 2015, Finland saw an unprecedented 32,447 individuals file for asylum protection, and the immigration system responded quickly to expand capacity and services. By 2020, Finland received only about 3,000 asylum applications. Finnish Immigration Service was able to shrink service capacity to correspond to the number of asylum seekers while maintaining flexibility for future surges.

Question. If confirmed, how will you work with the Finnish Government to provide long-term resettlement to the thousands of asylum-seekers currently living in Finland?

Answer. Finland provides services and housing to quota refugees directly through local municipalities. According to the Finnish Red Cross, municipal services have been able to secure housing for all arriving quota refugees and often secure almost 1,000 additional places ahead of the process for the following year. The Finnish Immigration Service provides housing, social and healthcare services, interpretation services, and legal aid to asylum-seekers at regional reception centers. If confirmed, I will encourage the Finnish Government to provide long-term resettlement to the thousands of asylum-seekers currently living in Finland.

Indo-Pacific

Question. Although Finland had a positive relationship with the Chinese Government through 2017, recent reports by Finnish civil and defense ministries suggest a much more adversarial stance toward China, and they encourage solidarity with the rest of the EU on this issue.

- If confirmed, how will you support Finland in countering malign CCP encroachments into Europe's political institutions, especially the EU?

Answer. While Finnish officials are willing to publicly criticize the PRC's human rights record, the Finns stress the importance of maintaining effective dialogue with the PRC. Finland has also been open in its criticism of the PRC's repression of the Uighurs in Xinjiang, supporting the EU's March 2021 sanctions targeting PRC officials implicated in human rights abuses in Xinjiang. Three Finnish officials were affected by the PRC's retaliatory sanctions. If confirmed, I look forward to working with the Finnish Government and multilateral institutions to support Finland in countering malign CCP encroachments into Europe's political institutions.

Question. Do you see Finland as a valuable potential ally in blocking similar encroachments into the U.N. and other global institutions?

Answer. Finland is a like-minded partner. After the implementation of the Hong Kong security law in July 2020, Finland suspended its extradition treaty with Hong Kong, prompting criticism from PRC state-controlled media and the PRC's Embassy in Finland. If confirmed, I look forward to working with Finnish officials, including those working in U.N. institutions, the business community, and civil society on this important issue, as well as working to increase U.S. trade with Finland as a counterbalance to China's growing influence in Europe.

Trade and Technology

Question. One of China's goals is to have Chinese manufacturers produce new 5G communications systems around the world, which poses a security risk to the U.S. and our allies. The Finnish telecommunications company, Nokia, could offer 5G in-

frastructure that aligns with our security interests as an alternative to Chinese companies.

- As Ambassador, how would you work with the Finnish Government to promote private sector engagement in telecommunications?

Answer. Finland is a global leader in telecommunication technology and is home to one of the three trusted providers of ″full stack″ 5G equipment worldwide. Finland is known as the ″the world's telecommunications test laboratory″ and is used for experimental launches of new products and services before going global. Finland offers a great opportunity for American companies to develop and test new applications of 5G networks, and if confirmed I look forward to supporting this opportunity.

Question. What ways could the U.S. Government promote technology partnerships with Finland in order to create secure and marketable 5G infrastructure solutions that can compete with Chinese alternatives?

Answer. Although Finland will not ban specific vendors from its 5G network, changes to its telecommunications law in December 2020 make it difficult for untrusted vendors to operate in the network. If confirmed, I look forward to working with Finnish officials, the business community, and civil society on this important issue, as well as working to increase U.S. trade with Finland as a counterbalance to the PRC's growing influence in Europe.

Question. How would you work with the Finnish Government to protect intellectual property with regard to high technology?

Answer. Finland is a source of emerging technology and, as such, there is an opportunity to promote IPR enforcement worldwide. If confirmed, I look forward to working with Finland on adopting controls and standards for new technologies such as quantum and artificial intelligence, which protect our common democratic values, respect for human rights, and preserve our other fundamental freedoms.

Question. In the State Department's 2021 Trafficking in Persons Report, Finland was identified as Tier 1 but courts in country had failed to prosecute as many traffickers in past reporting periods and victims continued to be penalized.

- What is your assessment of this issue?

Answer. Finland was ranked as Tier 1 in the 2021 TIP report. According to the report, Finland fully meets the minimum standards for the elimination of trafficking. The Government continued to demonstrate serious and sustained efforts during the reporting period while considering the impact of the COVID–19 pandemic, if any, on its anti-trafficking capacity.

Question. If confirmed, how will you work with the office of the Ambassador-at-Large to combat and monitor trafficking in persons to improve anti-trafficking efforts in Finland?

Answer. If confirmed, I will engage with the Office to Monitor and Combat Trafficking in Persons and Finnish authorities to encourage cooperation to make progress in combating trafficking in persons to include fully prosecuting traffickers and protecting victims. If confirmed, I will continue our engagement with the Finnish Government on this important issue with the goal of ensuring Finland remains as a Tier 1 status country.

Question. In the State Department's 2020 International Religious Freedom report, Finland was reported to have had serious incidents motivated by antisemitic or antimuslim behavior and rhetoric. What is your assessment of this particular issue and if confirmed, how will you work with the Ambassador-at-Large to bolster religious freedom in-country?

Answer. Finnish law guarantees freedom of religion and prohibits discrimination on the grounds of religion. If confirmed, I will support efforts of Jewish, Muslim, and all faith communities to collectively advocate on issues that threaten to restrict religious practice. This includes opposing laws that would negatively infringe on religious practices, such as the recently proposed animal welfare law that would ban or limit kosher and halal slaughter. If confirmed, I will advocate for religious freedom for members of all religious groups, and work with the Ambassador-at-Large, the Finnish Government, and NGO partners to promote religious freedom.

Question. In the State Department's 2020 Human Rights Report, Finland had no reports of serious human rights abuses or concerns. However, there is always room for improvement. If confirmed, how can you engage with civil society to bolster human rights on the ground and at the U.S. Mission?

Answer. If confirmed, I will work with civil society to advance shared values, including respect for human rights. Finland is a strong advocate for addressing global

issues in multilateral fora, including through their new seat on the Human Rights Council. If confirmed, I will work to leverage our strong relationship and shared values and utilize public diplomacy tools to promote the international rules-based order and bolster human rights.

The United Nations

Question. The Office of Multilateral Strategy and Personnel (MSP) in the State Department's bureau of International Organizations is leading a whole-of-government effort to identify, recruit, and install qualified, independent personnel at the U.N., including in elections for specialized bodies like the International Telecommunications Union (ITU). There is an American candidate, Doreen Bodgan-Martin, who would be the first American and first woman to lead the ITU, if elected. She is in a tough race that will require early, consistent engagement across capitals and within the U.N. member states. If confirmed, do you commit to demarching the Finnish Government and any other counterparts necessary to communicate U.S. support of Doreen?

Answer. Yes, if confirmed, I commit to demarching the Finnish Government and any other counterparts necessary to communicate U.S. support of Doreen Bogdan-Martin.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO DOUGLAS T. HICKEY BY SENATOR JEANNE SHAHEEN

Question. Since the unprovoked Russian attack on Ukraine, Finland is evaluating its security posture particularly given its long border with Russia.

- How should the U.S. build on existing security cooperation with Finland to strengthen our ties and deter further aggression?

Answer. Finland is a valued partner, and the U.S.-Finland relationship is broad and multi-faceted. The United States and Finland cooperate on regional and global security, free trade, emerging technology, countering hybrid threats, and counterterrorism. Finland's 800-mile-long border with Russia means it is a key partner in ensuring Europe's security. Finland's purchase of F–35As will ensure the transatlantic security partnership continues to deepen. Common logistics and interoperability will create future opportunities for further security cooperation between Finland and the United States for decades to come. If confirmed, I will work to continue to build on existing security cooperation with Finland to strengthen our ties and deter further aggression.

Question. I am concerned by growing Russian and Chinese efforts to project power in the Arctic region, as Russia has exponentially increased its military presence above the Arctic Circle and China now tries to claim that is a "near-Arctic" state.

- How does Finland view Russian and Chinese activities in the Arctic? In what ways are Finland and the United States seeking to work together on challenges in the Arctic region?

Answer. Finland, like the United States, is an Arctic nation, and our main forum for cooperation on Arctic issues is the Arctic Council. Finland is keenly aware of Russia's unprecedented military and commercial investments in the Arctic and does not agree with the PRC's claim that it is a "near-Arctic" state. Both the United States and Finland work together within the Arctic Council to enhance sustainable development, environmental protection, and the well-being and security of the people living in the region. If confirmed, I look forward to continuing our close engagement on Arctic issues, including pursuing new opportunities for scientific collaboration and on our shared strategic and commercial interests.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO DOUGLAS T. HICKEY BY SENATOR MITT ROMNEY

Question. Finland has been an outstanding security partner of the United States, NATO, as well as Ukraine, particularly in light of their pledge to send military aid to the Ukrainians. Putin may have calculated that his dishonorable, illegal invasion of Ukraine would divide NATO from its partners and close NATO's doors to new members, but his malicious war has only drawn us closer together. I applaud this

administration's steadfast commitment to keeping NATO membership open to those states that want to join.

- Will you commit, if confirmed as U.S. Ambassador to Finland, to consistently reaffirm the message to our Finnish partners that NATO's door is open, if they choose to purse NATO membership?

Answer. If confirmed as U.S. Ambassador to Finland, I commit to consistently reaffirm the message to our Finnish partners that NATO's door is open, if they choose to pursue NATO membership.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO DOUGLAS T. HICKEY BY SENATOR TODD YOUNG

Question. How do you view the impact of Russia's war on Ukraine on the security status of Finland?

Answer. Russia's unprovoked, premeditated, and unjustified invasion of Ukraine has significant security ramifications for all of Europe, for the transatlantic community, and globally. Finland's 800-mile-long border with Russia—the longest in the EU—means Finland is a key partner in ensuring Europe's security. Finland is a like-minded partner concerning Russia's unprovoked and unjustified war against Ukraine, and Finland supports a multilateral and diplomatic solution. President Niinistö, Prime Minister Marin, and Foreign Minister Haavisto have publicly condemned Russia's war against Ukraine as a grave breach of international law and an attack on the European security order. If confirmed, I will work to ensure U.S. and Finnish policies toward Russia remain closely coordinated.

Question. If confirmed, how would you work with Finland in coordinating on European security and, potentially, exploring their membership into NATO?

Answer. Finland is a NATO Enhanced Opportunities Partner and actively participates in NATO political dialogue, exercises, and operations. Finland's leadership has consistently reaffirmed that it is Finland's sovereign decision whether or not to join NATO, rejecting any attempt by Russia to restrict NATO's Open-Door policy. This sentiment was expressed in both New Year's 2022 speeches by President Niinistö and Prime Minister Marin. If confirmed as U.S. Ambassador to Finland, I commit to consistently reaffirm the message to our Finnish partners that NATO's door is open, if they choose to pursue NATO membership.

Question. Relatedly, how would you work with Finland's Scandinavian neighbors, such as Sweden, to ensure they move together where appropriate?

Answer. Finland has demonstrated clear solidarity with its EU partners, Nordic neighbors, and the United States on policy regarding Russia, including on sanctions. Finland and Sweden are both NATO Enhanced Opportunities Partners and actively participate in NATO political dialogue, exercises, and operations. If confirmed, I will work closely with U.S. Ambassadors in the Nordic region and Europe to advance U.S. policy and support European security.

Question. What is your assessment of the strategic value of cooperation with Finland on security and regional stability?

Answer. Finland is a valued partner and close friend, and the U.S.-Finland relationship is broad and multi-faceted. The United States and Finland cooperate on regional and global security, free trade, emerging technology, countering hybrid threats, and counterterrorism. Finland shares our goal of strengthening the transatlantic relationship to address the full range of threats facing the transatlantic community. As a NATO Enhanced Opportunities Partner, Finland's purchase of F–35As will ensure the transatlantic security partnership continues to deepen. Common logistics and interoperability will create future opportunities for further security cooperation between Finland and the United States for decades to come. Commercially, Finland's purchase of the F–35As means billions of dollars injected into the American economy, the creation of American jobs, and the opportunity to extend for at least another 30 years our bilateral cooperation in the aviation industry. Finland is a leader in critical and emerging technologies ranging from 5G and 6G to quantum computing. These industries represent billions of dollars in trade, investment, and cooperation aligned with American companies and interests. Our cooperation with Finland helps advance American technology leadership with our Allies and partners to protect our shared security interests, economic prosperity, and demo-

cratic values. If confirmed, I will work to continue to strengthen our cooperation with Finland on regional and global challenges.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO STEVEN H. FAGIN BY SENATOR ROBERT MENENDEZ

Question. How do you plan on working with the Riyadh-based Yemen Affairs Unit to best address "on the ground" issues, including the monitoring of U.S. assistance in Yemen?

Answer. If confirmed, I will be in the region full-time, serving as the Chief of Mission for Yemen and leading the Yemen Affairs Unit located at our Embassy in Riyadh, which oversees the totality of our interests and efforts in Yemen. These include critical humanitarian and development work, economic reform efforts, counterterrorism and security cooperation, engaging with Yemeni and regional officials as well as Yemeni civil society, and above all else, working to ensure the safety and security of American citizens. As Chief of Mission, it would be my responsibility to oversee the implementation and review of third-party monitoring of all programming with U.S. assistance alongside my Washington counterparts, and I look forward to working with Congress on these and many other important issues affecting U.S. interests and security.

Question. How will you work with Special Envoy Lenderking to create a space that encourages the warring parties in Yemen to come to the table and have a constructive dialogue?

Answer. If confirmed, I look forward to working closely with Special Envoy Lenderking to support inclusive U.N.-led efforts to reach a durable resolution to the conflict in Yemen. The only way to reach such a resolution is through a negotiated political agreement. There is no military solution. U.N.-led efforts must also address the underlying economic and humanitarian crises and lead to accountability for human rights abuses and violations. This is a complex set of problems, but not insurmountable; we must continue to work at it tenaciously and with our partners.

Question. What are your plans to ensure the safety of the U.S. compound in Sana'a?

Answer. The Houthis' outrageous actions against our Yemeni local staff and former Embassy compound in Sana'a are both deplorable and unjustifiable and are an affront to the entire international community, only further aggravating the conflict in Yemen. If confirmed, I will lead efforts to ensure the Houthis release unharmed all current and former U.S. local employees who remain held, end their harassment of our staff and restrictions on their movement, vacate our former Embassy compound, and return all seized U.S. Government property. If confirmed, I would continue our work with our partners in the region to make sure the Houthis hear loud and clear that these egregious actions seriously jeopardize the prospects for the Houthis to ever be a part of a legitimate and internationally recognized Government of Yemen.

Question. The U.S. currently has more than 200 locally employed staff in Yemen. How do you plan on ensuring the continued safety of these individuals?

Answer. The United States is fully committed to ensuring the safety of the 170 locally employed staff who work for the U.S. Government in Yemen. If confirmed as Chief of Mission, the safety and security of the U.S. Government employees in Yemen and in the Yemen Affairs Unit in Riyadh would be paramount. I will pursue every path available to secure the release of the detained locally employed staff, including engagement with Houthi leaders, international organizations, other Yemenis, and regional leaders. I would lead efforts to ensure the Houthis cease any further detentions or harassment of our employees and work with regional partners to condemn such acts.

Question. What efforts can be taken to encourage the release of Mr. Marhabi? How do you plan on engaging with the Houthis and other regional partners on this matter?

Answer. The fact that the Houthis continue to detain Levi Marhabi is deplorable. Over the past two years, the international community, humanitarian groups, and leading NGOs have called for his immediate and unconditional release. Senior U.S. officials have echoed those calls, including within the U.N. Security Council. If confirmed, I will engage Yemeni and regional officials to make clear U.S. expectations

regarding the equal treatment and protection of members of religious minority groups.

Anomalous Health Incidents

Question. Do you agree these incidents must be taken seriously, and pose a threat to the health of U.S. personnel?

Answer. Yes. Any threat to the safety and security of personnel must be addressed quickly and thoroughly. As Chief of Mission, I would be responsible for ensuring that U.S. Government employees in Yemen and in the Yemen Affairs Unit in Riyadh are able to perform their duties safely.

Question. If confirmed, do you commit to ensuring that any reported incident is treated seriously and reported quickly through the appropriate channels, and that any affected individuals receive prompt access to medical care?

Answer. Yes. The Department's most serious commitment is to its people, and it will not relent in ensuring that any personnel who fall ill while in service to their country will get the help that they need.

Question. Do you commit to meeting with medical staff and the RSO at post to discuss any past reported incidents and ensure that all protocols are being followed?

Answer. Yes. If confirmed, I would have a responsibility to all those who fall under my care and security responsibility as Chief of Mission.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO STEVEN H. FAGIN BY SENATOR JAMES E. RISCH

Question. Divisions in the Saudi-led coalition helped drive Houthi military advances in recent years. What steps can the U.S. take to foster greater cohesion in the Saudi-led coalition?

Answer. Enhancing unity among the anti-Houthi bloc is essential to reaching a negotiated solution that ends the war. The United States is working closely with its partners in the region to minimize divisions in the bloc and, if confirmed, I would meet regularly with these key stakeholders to remind them of our shared interest in ending this conflict.

Question. What more do you feel the U.S. can do outside of the U.N.-led political process to inject greater stability in Yemen?

Answer. The United States has contributed nearly $4.5 billion in humanitarian assistance to Yemen since the start of the war. This support not only saves lives, but it also prevents further deterioration of social and economic conditions that would make it even harder to resolve the conflict. If confirmed, I would continue our strong humanitarian efforts, and I would also work with key partners and international financial institutions to support efforts to stabilize both Yemen's economy and its governing institutions, as well as to address the underlying economic drivers of conflict. U.S. support has helped build the capacity of key Yemeni Government economic institutions and bolstered job-creating enterprises that improve conditions for Yemeni families. Our programming has Yemenis—particularly youth and women—develop skills that increase their employability.

Question. Do you feel there is merit in recalibrating U.S. assistance to focus more on local governance and institution building?

Answer. Our foreign assistance in Yemen is intended to address a wide range of sectors that support U.S. interests in ending the conflict and improving Yemeni lives. Our economic and community-level support are key components outside of humanitarian assistance that seek to advance critical reforms and build on those openings should there be a political settlement.

Question. What means can the United States employ to get the Houthis to engage in peace talks in good faith and reduce interference in aid operations?

Answer. The United States strongly supports U.N. Special Envoy Grundberg and is leading international efforts to demonstrate to the Houthis that the only sustainable path forward is through dialogue. We continually encourage others with relationships with the Houthis to press them to give up on a military solution to the conflict and come to the negotiating table. And we will not hesitate to use the tools at our disposal, including sanctions, to pressure the Houthis to cease their military offensives and engage sincerely with U.N.-facilitated political talks to resolve the conflict.

Question. What role can the U.S. play to encourage peace between the Houthis and the Yemeni Government?

Answer. If confirmed, I look forward to working closely with U.S. Special Envoy Tim Lenderking to support U.N.-facilitated efforts to reach an inclusive, durable resolution to the conflict in Yemen. The only way to reach such a resolution is through a negotiated inclusive political agreement. There is no military solution. If confirmed, I would support the Administration's efforts to advance an inclusive, U.N.-facilitated political process that also addresses the underlying economic and humanitarian crises and leads to accountability for human rights abuses and violations. This is a complex set of problems, but not insurmountable; we must continue to work tenaciously with our partners to reach this negotiated political agreement.

Question. What steps can the U.S. take to bring greater pressure on the Houthis? Are there opportunities to foster greater collaboration with our regional partners in this space, Oman, Kuwait?

Answer. The Houthis' increasingly provocative and dangerous behavior warrants a strong international response, and I agree we must continue to work in concert with our partners to send clear messages to the Houthis to de-escalate and sit down at the negotiating table. If confirmed, I would support efforts to use various tools at our disposal, including sanctions, to pressure the Houthis to cease their military offensives and engage in good faith with U.N.-facilitated political talks.

Question. Please provide your perspective on the Riyadh Agreement and its legitimacy as a realistic pathway towards peace.

Answer. Strengthening the anti-Houthi bloc is essential to reaching a durable resolution to the conflict. The United States is working with the parties to the Riyadh Agreement to improve coordination between the Yemeni Government and the Southern Transitional Council, and if confirmed, I would strongly support those efforts. The Yemeni Prime Minister and most of the Yemeni cabinet have returned to Aden, which was a positive step to ease political tensions and improve governance.

Question. What more can the U.S. to do support Saudi efforts to advance implementation? Can greater pressure be brought upon the UAE?

Answer. The United States coordinates closely with Saudi Arabia and the UAE on efforts to strengthen the anti-Houthi bloc. If confirmed, I would strongly support those efforts. There have been some notable successes resolving differences among parties to the Riyadh Agreement, including the Prime Minister and most of the Yemeni cabinet returning to Aden to perform their official duties.

Question. In your mind, what is the benefit of limiting U.N. talks to the Houthis and the Saudis?

Answer. The United States supports the U.N.'s plans to ensure political talks are inclusive so that the full range of Yemeni voices can be heard, including women and civil society leaders, and members of other marginalized demographics. I was encouraged by reports of the U.N. Special Envoy's political consultations, as well as the GCC's effort to convene a broad representation Yemenis for an upcoming dialogue. Seven years of war have changed the situation in Yemen, and political talks must reflect that new reality if they are to secure a durable political agreement.

Question. Should the southern groups also play a role?

Answer. The United States believes inclusive talks involving voices across the political spectrum that include women, civil society leaders, and members of other marginalized demographics are essential to securing a durable political agreement. Political groups from throughout Yemen, including southern Yemen, should play an active role in U.N.-facilitated political talks.

Question. What is your position on the UAE's support for proxy forces like the Giants Brigade?

Answer. The Saudi-led Coalition's defense of Marib against a sustained Houthi onslaught has helped prevent a significant deterioration of already-tenuous conditions in the governorate. Over a million internally displaced people have sought refuge in Marib. The Houthis' continued military efforts to seize the city—despite there being no military solution to the conflict—further underscores the importance of all parties de-escalating militarily and engaging in good-faith efforts to negotiate a political resolution under the U.N.'s leadership. The U.S. Government, at all levels, routinely calls on all parties to adhere to international humanitarian law, respect human rights, and engage in good-faith efforts to prevent civilian casualties and greater human suffering.

Question. Please provide your assessment of proxy forces' role in CT, and their effectiveness relative to other forces on the ground.

Answer. The United States continues to prioritize counterterrorism efforts by working closely with the Yemeni Government and regional partners to counter threats from Al Qaeda in the Arabian Peninsula (AQAP) and ISIS-Yemen, both of which are U.S.-designated terrorist groups. Counterterrorism operations, battlefield losses to the Houthis, and internal divisions have degraded AQAP capabilities in Yemen. The group, however, remains a significant threat to the region and to the national security of the United States. If confirmed as Chief of Mission, I would continue to work closely with the Yemeni Government and regional partner forces to degrade those terrorist threats.

Question. If confirmed, how do you plan to ensure U.S. equities will be taken into account in a final settlement if the United States continues to reduce, restrict, or otherwise sever support to the Saudi-led coalition (SLC)?

Answer. The Houthis' continued attacks against Saudi Arabia and the United Arab Emirates are unacceptable and threaten nearly 130,000 Americans living in the two countries. U.S. support for Saudi and Emirati defenses against Houthi attacks remains strong. If confirmed, I will work closely with U.S. Special Envoy Tim Lenderking and both countries to de-escalate the fighting and turn towards inclusive U.N.-facilitated political talks. All parties except the Houthis recognize there is no durable military solution to this conflict.

Question. If confirmed, how do you plan to address the Houthi's systematic and widespread human rights abuses which pose a very real threat to regional stability?

Answer. The best way to help ensure that the human rights of all Yemenis are respected is to seek a comprehensive and inclusive peace settlement that includes the meaningful participation of women, civil society, and members of marginalized groups, which includes their calls for justice, accountability, and redress for human rights abuses and violations. The United States will continue to demand that all parties to the conflict, particularly the Houthis, end human rights abuses, including those involving the recruitment and use of child soldiers; killings; abductions, including on the basis of religion; gender-based violence; torture and other abuses; and interference with the exercise of freedom of expression, including for members of the press. We have supported language condemning the unlawful recruitment or use of child soldiers and other abuses in several recent Security Council statements on Yemen.

Question. If confirmed, how will you direct your Embassy to work with civil society organizations to improve the human rights situation on the ground?

Answer. If confirmed, I will work alongside U.S. Special Envoy Tim Lenderking in engaging with a wide range of Yemeni groups, including women and civil society leaders, and members of other marginalized demographics, to promote a more inclusive peace process and to amplify their calls for peace, justice, and accountability. The administration uses foreign assistance to support some of these groups where possible, including by supporting a diverse independent media and groups working to document human rights abuses. We hope to continue this critical work.

Question. What options are available to the U.S. mission to bolster human rights?

Answer. Justice and accountability for human rights abuses and violations are key to a durable resolution to the conflict. In support of this imperative, the Department supports efforts to document evidence of abuses committed by all parties to the conflict and emphasizes the importance of using such documentation in current and future legal, reconciliation, and transitional justice processes. The continued and worsening harassment of independent journalists and human rights advocates throughout the country poses a significant obstacle to a durable peace. The State Department remains committed to supporting Yemeni journalists and advocating for their protection, and it consistently raises human rights violations and abuses in Yemen in public messaging and multilateral forums.

Question. If confirmed, how do you plan to go about reducing Iranian influence in Yemen?

Answer. I share your concern about Iran's influence in Yemen. Ending the conflict is the best way to diminish the Iranian role in the country. The United States disrupts Iran's destabilizing provision of weapons and military expertise to the Houthis and has sanctioned individuals, entities, and vessels related to international networks used to facilitate the provision of millions of dollars' worth of funds to the Houthis in cooperation with IRGC-Quds Force senior officials. Those who seek to profit from the suffering of the Yemeni people must be stopped.

Question. Are there steps that can be taken to improve interdiction efforts?

Answer. Iran provides increasingly sophisticated weapons, strategic advice, logistical support, and funds to the Houthis, which the group has used to launch attacks against Saudi Arabia and the UAE, including terrorist attacks threatening civilians and commercial sites. The United States continues to disrupt this Iranian support through increased maritime interdictions, export controls on U.S. origin items, and targeted sanctions of individuals, entities, and vessels involved in transferring these items to the Houthis.

Question. To what extent do you feel there is room for greater Israeli involvement in this space?

Answer. We welcome all efforts to urge the parties toward peace in Yemen. We believe the Houthis are sensitive to international opinion, and we welcome the expansion of a broad international consensus on the need to end this conflict.

Question. How has Iran's support to the Houthis changed in recent years?

Answer. Iran continues to exacerbate the conflict through its material and technical support to the Houthis. The Houthis are responsive to a degree to Iranian direction and policy. Iran continues to affect the conflict resulting in ever greater regional instability and miscalculation by all parties.

Question. What impact has it had on the advancement of Houthi military capabilities?

Answer. The unlawful flow of weapons from Iran to the Houthis in Yemen is enabling the brutal Houthi offensives in Yemen, increasing the suffering of civilians.

Question. What more can the U.S. do to address the threat Iranian support to the Houthis poses?

Answer. The Biden-Harris administration is committed to countering the military threat from Iran. The U.S. Navy seized dozens of anti-tank guided missiles, thousands of assault rifles, and hundreds of machine guns and rocket-propelled grenade launchers from stateless dhows in the Arabian Sea in February, May, and December of last year. The U.S. will continue to disrupt these activities where possible and use sanctions as appropriate against those who exacerbate the conflict.

Question. How might the signing of a time-limited nuclear deal with Iran that fails to curb its support to proxies impact dynamics in Yemen?

Answer. The President has been clear that the Administration is committed to ensuring Iran never acquires a nuclear weapon, and has stressed that diplomacy, in coordination with our allies and regional partners, is the best path to achieve that goal. There are fundamental problems with Iran's behavior across a series of issues, including its support for terrorism, its ballistic missile program, its destabilizing actions throughout the region, and its abhorrent practice of using wrongfully detained U.S. nationals and others as political tools. Because an Iran with a nuclear weapon would make all these threats worse, the President's strategy is to pursue a mutual return to full implementation of the JCPOA to restrict Iran's nuclear program and provide a stronger platform from which to address its destabilizing conduct. The Biden administration is committed to using all the tools at its disposal to counter Iran's destabilizing activities, to include limiting its ability to finance groups outside of Iran, and intercepting weapons flows to these groups.

Question. If confirmed, how do you plan to advance efforts to secure the release of U.S. local staff still being held by the Houthis?

Answer. The detentions of our locally employed staff are egregious and unacceptable. The Department of State is committed to ensuring the safety of these colleagues. If confirmed as Chief of Mission, their safety and security would be paramount for me. I would pursue every path available to secure their release, including engagement with Houthi leaders, international organizations, other Yemenis, and regional leaders. I would lead efforts to ensure the Houthis cease any further detentions or harassment of our current or former employees and work with the international community to condemn such acts until they stop.

Question. What options are being considered to shore up the security of current and former local staff in light of the continued threat posed by the Houthis?

Answer. The Houthis' unacceptable actions against our local staff and former Embassy compound in Sana'a are both deplorable and unjustifiable, and are an affront to the entire international community, only further aggravating the conflict. If confirmed, I would lead efforts to ensure the Houthis immediately release unharmed all current and former U.S. local employees who remain held, end their harassment

of our staff and restrictions on their movement, vacate our former Embassy compound, and return any seized U.S. Government property. We must continue to work closely with our partners in the region to make sure the Houthis hear loud and clear that these egregious actions seriously jeopardize the prospects for the Houthis to ever be a part of a legitimate and internationally recognized Government of Yemen.

Question. There is growing concern over the continued downturn in the economy, particularly in the South. For some time, it's been clear that another injection will be needed to stabilize the currency but this will require progress on advancing fiscal reforms. If confirmed, how do you plan to press the internationally recognized government to improve transparency and implement the reforms necessary to set the condition for greater economic stability?

Answer. Economic grievances are a key driver of the conflict and must be addressed if we are to ensure its durable resolution. One element of that effort is improving macroeconomic stability, including in areas controlled by the Yemeni Government, and that requires steps to improve transparency. If confirmed, I would work with our regional and international partners, including experts at international financial institutions and in the private sector, to support reforms that bolster the Yemeni economy and ensure resources are used to benefit the Yemeni people.

Question. In the State Department's 2021 Trafficking in Persons Report, Yemen remained a "special case" for the sixth year in a row. Knowing that accurate information on human trafficking in country remains difficult, how will you work with relevant stakeholders to address these issues if you are confirmed as Ambassador? If confirmed, do you commit to accurately portraying any situational updates regarding human trafficking in Yemen in the annual Trafficking in Persons report?

Answer. Despite the conflict in Yemen, migrants continue to travel there, primarily from east Africa, often in search of economic opportunities in neighboring Gulf countries. Some of these migrants could be subjected to trafficking. The conflict and lack of effective government institutions have created serious challenges to monitoring and investigating cases, prosecuting perpetrators, and protecting victims. If confirmed, I would work closely with the Embassy team, other donor countries, NGOs, civil society, and international organizations to address trafficking in Yemen, including the treatment of migrant workers. I firmly commit to ensuring that we portray the trafficking situation in Yemen accurately.

Question. In the State Department's 2020 International Religious Freedom report, Yemen was identified as lacking governmental and societal respect for religious freedom. What is your assessment of this particular issue and if confirmed, how will you work with the Ambassador-at-Large to bolster religious freedom in-country?

Answer. The U.S. Government continues to promote religious freedom in Yemen, engage with religious communities in the Yemeni diaspora, and closely monitor the conditions of religious minority detainees in Yemen and to press for their release. If confirmed, I would engage Yemeni and regional officials to make clear U.S. expectations regarding the equal treatment and protection of members of religious minority groups.

Question. To what extent to you see the Houthis as a threat to Israel?

Answer. The Houthis are a threat to regional stability throughout the Middle East. We know that Israel has expressed concerns publicly that Houthi missiles could target Israel, and we take those concerns seriously.

Question. What more can the U.S. do to address their antisemitism, specifically we should be pressing the U.N. to condition educational assistance on neutral, unbias curriculum and educational assistance?

Answer. Houthi antisemitic slogans and efforts to incite violence and hate are deplorable and must continue to be condemned. If confirmed, I would stress to all educational programming partners our expectations about the need to provide inclusive messages in educational materials as well as ensure improved oversight and quality control of those materials.

Question. In your opinion, what steps can the U.S. take to improve our diplomats' ability to get outside the Embassy compound? How do you intend to improve the ability of U.S. diplomats to better access all local populations?

Answer. The U.S. Embassy compound in Sana'a has been closed since 2015, and U.S. diplomats work out of the Yemen Affairs Unit in Riyadh. However, the safety of all U.S. Government personnel is paramount, and the Department of State takes all necessary precautions in connection with any travel into Yemen. We take secu-

rity seriously while also ensuring diplomats have the access to local populations necessary to conduct diplomacy. Embassy teams have traveled to Yemen twice in the last five months.

Question. What is your understanding of morale throughout the Yemen Affairs Unit (YAU)?

Answer. I understand that YAU personnel are deeply committed to and motivated by their work on challenging but important issues. If confirmed, ensuring the morale and well-being of YAU staff would be among my top priorities.

Question. How do you intend to improve morale at the YAU?

Answer. If confirmed, one of my first steps would be to assess the needs of YAU staff. The pandemic has presented challenges to all of our posts, and as we emerge from COVID–19, if confirmed, I look forward to working with the staff at the YAU to ensure they have all the resources necessary to meet the unique responsibilities of their jobs.

Question. How do you intend to create a unified mission and vision at the YAU?

Answer. If confirmed, I would ensure that all members of our mission are fully versed in President Biden's strategic objectives for Yemen. Creating a unified mission and vision requires open communication and a common understanding of our strategic objectives, including to ensure that it remains consistent with our regional, global and U.S. national security objectives.

Question. How would you describe your management style?

Answer. I believe in providing strategic guidance and direction and empowering the members of my team, while creating an environment where they can provide leadership with ideas and feedback to help drive policy and management decisions.

Question. Do you believe it is ever acceptable or constructive to berate subordinates, either in public or private?

Answer. No, it is never acceptable or constructive to berate subordinates.

Question. How do you envision your leadership relationship with your Deputy Chief of Mission?

Answer. A constructive, open, trusting working relationship between an Ambassador and Deputy Chief of Mission is absolutely essential for the successful functioning of any Mission. If confirmed, I look forward to establishing such a relationship with my Deputy Chief of Mission, and in particular ensuring that my Deputy Chief of Mission feels empowered to provide frank assessments on all policy and management issues and on my own performance and actions.

Question. If confirmed, what leadership responsibilities do you intend to entrust to your Deputy Chief of Mission?

Answer. If confirmed, I would empower my Deputy Chief of Mission to be the mission's "chief operating officer," responsible for the day-to-day management of all aspects of the mission, while also ensuring that the Deputy Chief of Mission is my alter-ego on policy matters, fully capable of covering for me as required.

Question. Do you believe that it is important to provide employees with accurate, constructive feedback on their performances in order to encourage improvement and reward those who most succeeded in their roles?

Answer. I believe it is absolutely essential to regularly provide personnel with constructive and accurate feedback on their performance.

Question. If confirmed, would you support and encourage clear, accurate, and direct feedback to employees in order to improve performance and reward high achievers?

Answer. I support direct feedback and if confirmed, would encourage all personnel to provide clear, accurate and direct feedback. I also regularly encourage recognizing high achievers with State Department awards, including department-wide awards.

Question. What public diplomacy challenges does the U.S. face in Yemen? How do you plan to address these?

Answer. Increasing anti-American sentiment in Houthi-controlled media is a real challenge. I understand that our public diplomacy efforts seek to highlight the damage the war has done to Yemen while underscoring positive U.S. contributions. Conducting diplomatic operations from outside of Yemen complicates our ability to undertake typical public diplomacy programming. I understand the YAU has devel-

oped a robust array of virtual programs, supplemented with in-person programming implemented by partners. If confirmed, I would continue to expand these efforts.

Question. What steps can the U.S. take to address the proliferation of propaganda promoted by adversaries and strategic competitors in the Middle East?

Answer. The State Department coordinates with the interagency to address foreign disinformation and propaganda across the region. Constant media engagements and messaging collaboration with partners and allies are key to countering foreign state-sponsored disinformation and propaganda in the Middle East and North Africa information space. Embassies are also amplifying and deploying Department produced counter-disinformation material. We also empower local voices to identify, expose, and refute disinformation and propaganda by generating their own original, high-quality, and fact-based research and messaging.

Question. How do you balance the importance of Main State versus the in-country mission when it comes to tailoring public diplomacy messages for foreign audiences?

Answer. Our Washington and Mission-based press and public diplomacy teams collaborate on a daily basis to ensure domestic and messaging to foreign audiences is carefully coordinated. Washington-based communicators share guidance with colleagues in the field and both collaborate to ensure messaging is accurately tailored to local contexts.

Question. If confirmed, do you commit to taking this threat seriously? [for context: anomalous health incidents]

Answer. Yes. Any threat to the safety and security of personnel must be addressed quickly and thoroughly. As Chief of Mission, it would be my responsibility to ensure U.S. Government employees under my security responsibility are able to perform their duties safely.

Question. If confirmed, do you commit to talking as openly as you can to YAU personnel?

Answer. Yes., if confirmed I believe that open communication is essential. As Chief of Mission, I would encourage transparency and open communication, especially as it relates to the health and safety of everyone at the YAU.

Question. Have you received a briefing on the anomalous health incidents that have occurred to U.S. Government personnel around the world, including at U.S. embassies and other diplomatic posts? If you have not, and if you are confirmed, do you commit to receiving a briefing on the incidents before you depart for your post?

Answer. I have not yet received a briefing, but commit to one before my departure if confirmed.

Question. In the event of an anomalous health incident among your Embassy personnel or eligible family members, do you commit to maintain detailed records of the incident, and share the information with the State Department and other embassies to contribute to the investigation of how these attacks are affecting U.S. missions and personnel around the world?

Answer. The Department's most serious commitment is to its people, and it will not relent in ensuring that any personnel who fall ill while in service to their country will get the help that they need. As required by the National Defense Authorization Act, we will follow the established procedures for collecting and disseminating information and ensure that information regarding such incidents is efficiently shared across relevant federal agencies in a manner that provides appropriate protections for classified, sensitive, and personal information.

Question. Whether or not anomalous health incidents occur at your Embassy, how will you work to restore and preserve morale that may be lost due to the knowledge these attacks have been occurring at posts around the world?

Answer. As Chief of Mission, if confirmed it would be my responsibility to ensure U.S. personnel are fully informed and able to perform their jobs safely.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO STEVEN H. FAGIN BY SENATOR TODD YOUNG

Question. From your perspective, is a diplomatic solution to the Yemen conflict feasible?

Answer. The only way to reach a durable resolution to the conflict in Yemen is through a negotiated political agreement. There is no military solution. If confirmed, I would support the Administration's efforts to advance an inclusive, U.N.-led political process that also addresses the underlying economic and humanitarian crises and leads to accountability for human rights abuses and violations. To that end, U.S. diplomatic efforts have helped build unprecedented international consensus on the need for an immediate, comprehensive ceasefire and political resolution. This is a complex set of problems, but not insurmountable; we must continue to work at it tenaciously and with our partners.

Question. Do you believe UNSCR 2216 properly reflects the current context in Yemen? Will the new administration seek to modify this UNSCR?

Answer. The administration is committed to exploring all possible options, taking into consideration the timing, sequencing, and ramifications of any new resolution. We continue to work with partners in the region, U.N. Security Council members, and U.N. Special Envoy Grundberg to advance the peace process. We continually evaluate whether the framework for Yemen's political transition outlined in UNSCR 2216 (2015) provides the best basis for peace efforts. We strongly support the targeted arms embargo and sanctions designations of UNSCR 2216 (2015) as key elements of the U.N. Yemen sanctions regime.

Question. How would you seek to engage with the U.N. Special Envoy, Hans Grundberg, and what role do you believe the United Nations can play in Yemen from a political perspective, leaving aside its important humanitarian work?

Answer. The United States strongly supports U.N. Special Envoy for Yemen Hans Grundberg and remains committed to supporting a U.N.-led peace process to achieve an inclusive, durable resolution to the conflict. The administration's efforts complement those of the U.N. Special Envoy's. I understand U.S. Special Envoy for Yemen Tim Lenderking works in lockstep with the U.N. Special Envoy, and if confirmed, I would work with them to urge all parties to engage with the U.N., with each other, and with civil society, without pre-conditions towards achieving an immediate, comprehensive ceasefire and political resolution of the conflict.

Question. How do you envision working alongside Special Envoy for Yemen Tim Lenderking?

Answer. If confirmed, I look forward to working closely with Special Envoy Lenderking to reach an inclusive, durable resolution to the conflict in Yemen. Our responsibilities will not be the same, however. If confirmed, I will be in the region full-time, serving as the Chief of Mission for Yemen and leading the Yemen Affairs Unit located at our Embassy in Riyadh, which oversees the totality of our interests and efforts in Yemen. These include critical humanitarian and development work, economic reform efforts, counterterrorism and security cooperation, engaging with Yemeni and regional officials as well as Yemeni civil society, and above all else, working to ensure the safety and security of American citizens. SE Lenderking has been tasked by the President with a dual mandate: to push for a diplomatic resolution to the conflict and to mitigate humanitarian suffering in Yemen.

Question. What would be the impact on diplomatic efforts if the Houthis are redesignated a Foreign Terrorist Organization by the Administration?

Answer. Recent Houthi behavior and increasingly destabilizing actions certainly warrant consideration of a range of responses and the President has been clear that a number of options are being explored. Working in concert with our international partners, we need to send clear messages to the Houthis to deescalate the situation and sit down at the negotiating table. Our diplomatic efforts will continue to focus on the Administration's commitment to an inclusive, durable resolution to the conflict, which requires engaging with all parties in Yemen, including the Houthis. However, we must not forget the very real humanitarian consequences that a designation can entail.

Question. Do you believe the U.S. and our allies and partners should do all we can to interdict weapons from Iran fueling the war and humanitarian crisis in Yemen?

Answer. Yes. The Department will not relent in applying pressure on those who perpetuate the conflict and the humanitarian crisis and exacerbate the suffering of the Yemeni people. This includes individuals linked to Iran's destabilizing transfer of weapons, strategic advice, and logistical support to the Houthis. The United States continues to disrupt these activities and has sanctioned individuals, entities, and vessels related to international networks used to facilitate the provision of mil-

lions of dollars' worth of funds to the Houthis in cooperation with IRGC-Quds Force senior officials.

Question. How do you assess the effectiveness of U.N.-led efforts to address the large-scale humanitarian needs throughout Yemen?

Answer. The U.N. is our largest operational partner in Yemen due to its reliability and history operating there. We support U.N.-led efforts across all sectors to reach those who need assistance most. However, U.N.-led humanitarian efforts need more support from international donors, as humanitarian needs worldwide are at an all-time high. We must continue to urge all donor countries to do everything they can to support the U.N. Humanitarian Response Plan so that this work can continue.

Question. If confirmed, how would you seek to protect U.S. interests in Yemen from a distance, including U.S.-sourced aid, aid workers, and other humanitarian actors?

Answer. If confirmed, protecting U.S. interests would be one of my top priorities. Strong, sustained advocacy with all stakeholders in Yemen has helped to ensure that our implementing partners are able to safely reach the most vulnerable, including the many Yemenis displaced as a result of the conflict. If confirmed, I would continue leading such advocacy. We are the single largest donor of humanitarian assistance to Yemen, a position we are able to continue as a result of years of trust and relationship-building with partners and local authorities. I would lead my Country Team in consultation with Washington to ensure that this extremely valuable work continues unimpeded, making the best use of the taxpayer's dollar. We must also continue working closely with key partners and international financial institutions to support efforts to stabilize Yemen's economy and address the underlying economic drivers of conflict to achieve a more durable peace.

Question. From your perspective, what do you believe is the purpose of the Houthi's latest escalatory attacks on the UAE?

Answer. Recent Houthi actions, including attacks on the UAE, are just the latest in a series of reprehensible attacks targeting Yemen's neighbors. There is no justification for these actions, and we must continue working with partners to condemn them and make clear to the Houthis such acts will not be tolerated. The UAE is home to over 60,000 U.S. citizens, and these threats to regional security are extremely concerning. Houthi actions against our current and former Yemeni local staff and our former Embassy compound in Sana'a are equally troubling. All this in combination with the Houthis' military offensives indicates they continue to pursue a military end to the conflict.

Question. Are their strikes against the Saudis and Emirates an attempt to coerce these governments into accepting a political settlement that divides Yemen?

Answer. Houthi attacks against Saudi Arabia and the UAE are an unacceptable threat to regional security, including to the over 130,000 Americans who live in those countries. The administration's efforts towards a political settlement to the conflict are in support of a united Yemen. In contrast, the Houthis continue to pursue a military end to the conflict, in blatant disregard of the suffering such fighting causes for millions of Yemenis. The United States is working with our partners to pressure the Houthis to stop such attacks and engage seriously in U.N.-led political talks to end this war and hold them accountable for human rights abuses.

Question. For their part, what are the Saudis and Emirates hoping to achieve in Yemen now? Do they believe they can beat the Houthis? What would such a victory look like?

Answer. The only durable solution to the conflict that will ensure peace and security in the region is a negotiated, inclusive political settlement among the Yemenis themselves that includes justice and accountability for human rights abuses and violations. The United States is working very closely with Saudi Arabia and the UAE to support U.N.-led peace efforts to achieve such a political settlement.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO STEVEN H. FAGIN BY SENATOR JOHN BARRASSO

Question. What terrorist organizations are currently in Yemen?

Answer. The United States continues to prioritize counterterrorism efforts by working closely with the Yemeni Government and regional partners to counter

threats from Al Qaeda in the Arabian Peninsula (AQAP) and ISIS-Yemen, both U.S.-designated terror groups. We also continue to take efforts against the activities in Yemen of other U.S.-designated terrorist groups such as Hizballah and the Islamic Revolutionary Guard Corps–Qods Force (IRGC-QF). These groups continue to exploit the political and security vacuum created by the ongoing conflict and threaten regional security.

Question. What is the current threat posed by AQAP and the Islamic State in Yemen?

Answer. Counterterrorism operations, battlefield losses to the Houthis, and internal divisions have degraded AQAP capabilities in Yemen. The group, however, remains a significant threat to the region and to the national security of the United States. A small ISIS presence also exists in Yemen. We continue to actively monitor threats emanating from Yemen and have resources and capabilities in the region to address them. As Chief of Mission, I would continue to work closely with the Yemeni Government and regional partner forces to degrade those terrorist threats.

Question. How many Houthi leaders are currently sanctioned by the United States? Which additional Houthi leaders should be reviewed for sanctionable activities?

Answer. Twelve official Houthi political and military leaders are currently designated by the United States under a variety of sanctions authorities. In addition, the United States has sanctioned dozens of prominent Houthi financiers and facilitators, including the February 23, 2022 designations of members of an international financial network, led by Islamic Revolutionary Guard Corps–Qods Force and Houthi financier Sa'id al-Jamal, that funds the Houthis' war against the Government of Yemen. Last year, four Houthis were also designated under the U.N.'s Yemen sanctions regime.

Question. Do you support the re-listing of the Houthis as a Foreign Terrorist Organization?

Answer. Recent unacceptable Houthi behavior and increasingly destabilizing actions certainly warrant consideration of a range of responses, and the President has been clear that a number of options are being considered. Working in concert with our international partners, we need to send clear messages to the Houthis to deescalate the situation and sit down at the negotiating table. Our diplomatic efforts will continue to focus on the Administration's commitment to an inclusive, durable resolution to the conflict, which requires engaging with all parties in Yemen, including the Houthis. We will continue to take into account the humanitarian consequences of any of our designation decisions.

Question. What is the status of the U.S. Embassy compound in Yemen and what property was seized?

Answer. The Houthis' egregious actions against our Yemeni local staff and former Embassy compound in Sana'a are both deplorable and unjustifiable and are an affront to the entire international community, only further aggravating the conflict in Yemen. Unfortunately, the Houthis still maintain a presence inside the compound in Sana'a. We do not yet know the extent of what was taken; however, the standard procedure when we evacuate from an Embassy is to destroy or remove all classified material and disable or remove all classified systems. My understanding is that the Embassy staff followed these procedures before evacuating and sealing the former Embassy compound in Sana'a in 2015.

Question. How many Yemeni citizens, who previously worked for the U.S. Embassy in Yemen, are currently being detained by the Houthis?

Answer. To my knowledge, there are eight current U.S. Embassy Locally Employed Staff and five former staff who are still detained, two of whom currently work for the U.N.

Question. What efforts has the United States taken to secure the release of those individuals? [for context: detained LE Staff]

Answer. Special Envoy Lenderking and Chargé d'Affaires Westley continue to work tirelessly to secure the release of detained current and former Locally Employed staff. At senior levels the Administration raises this issue at every juncture within the U.N. Security Council and other multilateral fora to garner consensus in public condemnation of these actions. The administration appreciated the strong bipartisan Congressional statement in November condemning these Houthi actions against our Yemeni employees and Congress's ongoing support in securing their safety.

Question. If confirmed, what would be your strategy to address this issue? [for context: LES detainment]

Answer. If confirmed, I will lead efforts to ensure the Houthis release unharmed all current and former U.S. employees who remain held, end the harassment of our staff and restrictions on their movement, vacate our former Embassy compound, and return all seized U.S. Government property. We must continue to work closely with our partners in the region to make sure the Houthis hear loudly and clearly that these egregious actions seriously jeopardize the prospects for the Houthis to ever be a part of a legitimate and internationally recognized Government of Yemen.

Question. What is the current relationship between Iran and Yemen?

Answer. Iran's transfer of weapons, strategic advice, and logistical support have enabled the Houthis to attack ships in the Bab al-Mandab Strait and use both long-range missiles and drones to threaten civilian targets inside Saudi Arabia and the UAE, including the more than 130,000 Americans who live in the two countries. Iranian support to the Houthis significantly increases the Houthis' ability to threaten regional peace and security and emboldens Houthi hardliners who continue to push for a military end to the conflict and avoid serious engagement in political talks.

Question. What military assistance does Iran provide to the Houthis?

Answer. Iran provides increasingly sophisticated weapons, strategic advice, logistical support, and funds to the Houthis, which the group has used to launch attacks against Saudi Arabia and the UAE, including terrorist attacks threatening civilians and commercial sites. The United States continues to disrupt this Iranian support through maritime interdictions, export controls on U.S. origin items, and targeted sanctions of individuals, entities, and vessels involved in transferring these items to the Houthis.

Question. How much funding is provided to the Houthis from Iran?

Answer. Iran has provided tens of millions of dollars to the Houthis. The United States continues to identify and disrupt these efforts; over the past year, for example, the United States has sanctioned key elements of an international financial network led by IRGC-QF and Houthi financier Said al-Jamal that was responsible for transferring tens of millions of dollars to the Houthis.

Question. How could the Houthi rebels benefit from the removal of sanctions on Iran?

Answer. The President has been clear that the United States is committed to ensuring Iran never acquires a nuclear weapon and to countering the full range of Iran's destabilizing behavior. Because an Iran with a nuclear weapon would make all these threats worse, the President's strategy is to pursue a mutual return to full compliance with the JCPOA to restrict Iran's nuclear program and provide a stronger platform to address its destabilizing conduct. The U.S. Government maintains a range of tools to combat terrorist financing, and we will continue to use these to counter Iran's destabilizing activities and support for terrorism. Additionally, our tools for countering Iranian behavior are not limited to sanctions. Working with our allies and partners in the region to counter and disrupt Iranian threats, as well as using tools such as interdictions and export controls, has been effective in countering this behavior, and we will continue to expand our efforts in this area.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO STEVEN H. FAGIN BY SENATOR TED CRUZ

Question. Do you assess that Iran will use resources that flow from a new agreement to finance Iran-supported forces in Yemen?

Answer. While Iran's use of its resources, from whatever source, to support destabilizing activities in the region remains a matter of serious concern, the greatest threat to peace efforts remains the Houthis' intransigence, focus on a military victory, and willingness to launch long range missiles and UAVs threatening civilian targets in Saudi Arabia and the United Arab Emirates. The Department will not relent in applying pressure on those who perpetuate the conflict, risk civilian lives, worsen the humanitarian crisis, and seek to profit from the suffering of the Yemeni people. This includes individuals linked to Iran's destabilizing provision of weapons, funds, and military expertise to the Houthis. These groups continue to exploit the political and security vacuum created by the ongoing conflict and threaten regional security. The United States coordinates closely with our Gulf partners to amplify

our efforts, and we will continue to act to counter the full range of Iran's destabilizing activities regardless of the outcome of talks in Vienna.

Question. Do you assess that Iran will use resources that flow from a new agreement to finance terrorist groups, either in Yemen or in other countries?

Answer. The administration is committed to ensuring Iran never acquires a nuclear weapon, without regard to the source of Iran's resources, and has stressed that diplomacy, in coordination with our allies and regional partners, is the best path to achieve that goal. The administration remains deeply concerned about Iran's actions across a series of issues—including its support for terrorism, its ballistic missile program, its destabilizing actions throughout the region, and its abhorrent practice of using wrongfully detained U.S. citizens and foreign nationals as political tools. Because an Iran with a nuclear weapon would make all these threats worse, the President's strategy is to pursue a mutual return to full implementation of the JCPOA to restrict Iran's nuclear program and provide a stronger platform to address its destabilizing conduct. The administration is committed to use all the tools at its disposal to counter Iran's destabilizing activities, to include limiting its ability to finance all groups that work to destabilize the region or the world, and intercepting weapons flows to these groups.

Question. Do you assess the Houthis are terrorists?

Answer. I understand the Department has revoked the Foreign Terrorist Organization and Specially Designated Global Terrorist designations of Ansarallah, sometimes referred to as the Houthis, due to concerns over their potential effects on Yemen's fragile humanitarian and economic situation. This included concerns voiced by the U.N., humanitarian groups, and Members of Congress. The United States has continued, however, through domestic authorities and U.N. sanctions, to act against those who perpetuate the conflict and the humanitarian crisis in Yemen, and commit abuses against civilians, and seek to destabilize the situation for their own gain. This includes Houthi terrorist attacks against Saudi Arabia and the UAE, which we and the U.N. have condemned on multiple occasions.

Question. Do you assess that our regional allies consider the Houthis terrorists?

Answer. The Houthis' deplorable attacks in Yemen and against Yemen's neighbors warrant consideration of a range of responses, and the President has been clear that a number of options are being considered. Working in concert with our international partners, including regional allies, we need to send clear messages to the Houthis to deescalate the situation and sit down at the negotiating table. Our diplomatic efforts will continue to focus on the Administration's commitment to an inclusive, durable resolution to the conflict and support of our regional allies.

Question. Do you assess that our regional allies want us to reimpose the designations?

Answer. The only durable solution to the conflict that will ensure peace and security in the region is a negotiated, inclusive political settlement among the Yemenis themselves that includes justice and accountability for human rights abuses and violations. The United States is working very closely with Saudi Arabia and the UAE to support U.N.-led peace efforts to achieve such a political settlement. The United States is also working closely with our partners and regional allies to promote accountability for the Houthis' deplorable behavior.

Question. Please describe the role played by Iran and the Houthis in deepening the humanitarian catastrophe in Yemen.

Answer. The Houthis, with continued Iranian support, remain intransigent and focused on their military offensive against Marib, and on attacks threatening civilian targets outside Yemen in the United Arab Emirates and Saudi Arabia. The Marib offensive is the single biggest threat to peace efforts and is exacerbating an already-dire humanitarian crisis, placing at risk the approximately one million internally displaced persons who found refuge in Marib after escaping fighting in other parts of the country. The Houthis also exacerbate the humanitarian consequences of the fuel situation at Hudaydah port by stockpiling fuel and manipulating fuel prices, driving up the cost of fuel far beyond the reach of most Yemenis. In addition, the Houthis continue to interfere in the delivery of humanitarian aid.

Question. Please assess the degree to which the Biden administration's decision to lift terrorism sanctions against the Houthis and their leaders has enhanced the ability to provide humanitarian relief to Yemeni civilians in general.

Answer. I understand that the Biden administration revoked the terrorism designations of Ansarallah, sometimes referred to as the Houthis, in recognition of the

dire humanitarian situation in Yemen. The administration listened to concerns voiced by the United Nations, humanitarian groups, and bipartisan members of Congress, among others, regarding potential impacts the designations could have had on Yemenis' access to basic commodities. I understand that the short time that passed between the designations and the revocations limited the impact the designations could have had on humanitarian assistance and commercial imports. According to U.N. data, food and other humanitarian assistance items are now moving through Yemeni ports at normal rates.

Question. Please assess the degree to which the Biden administration's decision to lift terrorism sanctions against the Houthis and their leaders has enhanced the ability to provide humanitarian relief to Yemeni civilians in Marib.

Answer. The short time that passed between the designations and the revocations limited the impact that designations could have had on humanitarian assistance and commercial imports in Marib. Humanitarian assistance has been especially critical in Marib, where the escalation of hostilities has caused additional needs and secondary displacement. The lifting of sanctions has helped ensure uninterrupted commercial food supplies and the safe delivery of life-saving food, emergency shelter, water, and sanitation and hygiene supplies, as well as essential non-food items, such as blankets and water containers.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. ERIN ELIZABETH MCKEE BY SENATOR ROBERT MENENDEZ

Displacement in Ukraine

Question. Ukraine's people are facing an ever-worsening humanitarian crisis that has sent more than 1 million refugees into neighboring countries. Most USAID mission countries have expressed interest to help in hosting families and sending help.

- How will you work to coordinate these multilateral efforts? Are there ways to leverage this moment of openness to refugees in order to secure more effective and humane refugee policies in countries where USAID has missions?

Answer. Countries neighboring Ukraine have demonstrated enormous generosity in their response to the refugee crisis stemming from Russia's unprovoked and unjustified invasion of Ukraine. I understand that USAID has been working closely with the U.N., NGO partners and European counterparts to monitor humanitarian needs in Ukraine and neighboring countries, while coordinating our response efforts. Administrator Samantha Power visited Poland and Brussels in the first week of the crisis and I am aware that she has continued to closely coordinate with officials from Ukraine, the EU, partners in the region, and international organizations on the humanitarian response. If confirmed, I will seek to build on this effort by working closely with USAID's Bureau for Humanitarian Assistance and the State Department Bureau of Population, Refugees and Migration to fully leverage all available resources from neighboring countries and allies to meet the needs of conflict-affected Ukrainians, internally displaced populations, and refugees.

Vulnerable Groups in Ukraine

Question. The Russian Federation has a history of targeting vulnerable populations, including Jehovah's Witnesses, Tatars, and dissident groups. I am concerned that they will do the same in Ukraine if their invasion is successful, and that many from these groups will be forced to join those who have already fled the country.

- How would you approach designing and managing programming to support groups historically persecuted by the Russian Federation, both who remain in Ukraine and who have fled to countries like Poland, Moldova, Romania, Hungary, and Slovakia?

Answer. I share your concern that marginalized groups face increased risk of persecution by the Russian Federation. There are already signs of human rights violations by Russian forces and it will be critical to monitor and document these abuses. I understand that USAID supports organizations in Ukraine that work with vulnerable populations, including members of the LGBTQI+ community, persons with disabilities, religious and ethnic minorities. I am also aware that USAID programs have been helping to provide assistance to these vulnerable groups, and facilitating the ability for many to safely exit Ukraine. If confirmed, I commit to prioritizing efforts to protect vulnerable groups both within Ukraine and those who have fled to neighboring countries.

Anti-Corruption Efforts

Question. Administrator Power has highlighted anti-corruption efforts as a top priority for USAID. During her trip to Bosnia and Herzegovina in January, Administrator Power highlighted that, despite progress towards Euro-Atlantic integration in the Western Balkans, corruption remains rampant in the region.

- How would you work to further Administrator Power's objective to combat corruption in conjunction with efforts to promote Euro-Atlantic integration?

Answer. Endemic corruption is one of the most intractable challenges in the Western Balkans and across the wider region. Corruption serves as a point of entry for foreign malign influence, corrodes the development gains countries in the region have made in the past three decades, and hinders further progress towards Euro-Atlantic integration. I understand that USAID is supporting the Biden-Harris administration's Anti-Corruption Strategy in the region through several lines of effort by piloting innovative approaches. I understand one of these innovative approaches is the Reporters' Liability Fund, which provides defense coverage and legal resources to journalists threatened with vexatious lawsuits. If confirmed, I pledge to make combating corruption in the Western Balkans and further progress on Euro-Atlantic integration a top priority of mine and commit to providing you with regular updates on our progress towards that goal.

Armenia

Question. Armenians continue to grapple with the human costs of the 2020 Nagorno-Karabakh War on a daily basis. USAID assistance to Armenia should continue and expand support for the humanitarian needs of the 90,000 displaced people uprooted by the war in Nagorno Karabakh.

- As worldwide humanitarian demands skyrocket, how will you prioritize helping those displaced by the Nagorno Karabakh War?

Answer. I understand that USAID provided $2.5 million in humanitarian assistance in response to the conflict, which included cash assistance to displaced persons, and in-kind assistance to host-family households. If confirmed, I commit to working with USAID's Bureau for Humanitarian Assistance who are closely following the needs of the displaced. I will also seek opportunities, if confirmed, to help build constructive cross-border interaction and cooperation as the basis for peace and stability across the South Caucasus.

Democratic Backsliding

Question. As Ukrainian people bravely fight Vladimir Putin's illegal invasion they inspire support from a growing wave of democratic voices across Europe. This growing wave undoubtedly worries authoritarians and illiberal voices as they scramble to find ways to solidify their established power structures. We see this happening with Milorad Dodik in Bosnia and Herzegovina and Alexander Vucic in Serbia. We also see positive signals with people in all non-EU countries encouraging their governments to take clear sides in a push to join the European family.

- How do you plan to adjust USAID's strategies in this historic moment to solidify democratic gains throughout the Balkans and Eastern Europe as the world rejects the kleptocratic authoritarianism of Vladimir Putin?

Answer. Russia's unprovoked and premeditated invasion of Ukraine presents a grave threat to democracy, freedom, and development progress across Europe and Eurasia. I believe that USAID's efforts to help build more prosperous and more democratic countries in the region are more vital than ever. I have seen firsthand during my career in the foreign service that the agency has a robust range of tools to promote democracy and governance and solidify democratic gains. If confirmed, I intend to focus on strengthening the institutions and processes in sectors that are foundational to democratic resilience, including a vibrant civil society, strong independent media, rule of law, free and fair elections, and transparent and accountable governance. There are some very positive foundations upon which to do so in Europe and Eurasia and I look forward to bolstering these efforts, if confirmed.

Question. What concrete steps can USAID take to cut the corrupt support web of Vladimir Putin by working with its missions in Europe?

Answer. If confirmed, I will seek to ensure that USAID further leverages its resources to target the Kremlin's corrupt networks. For example, USAID programs can work to further promote financial transparency to limit Moscow's ability to funnel money through the region and support investigative journalism to expose and disrupt the Kremlin's illicit financial operations. I will also work closely, if con-

firmed, with USAID's Anti-Corruption Task Force and our interagency partners to identify new opportunities to expand our capabilities and impact in this area.

Energy Security

Question. Global support for sanctioning Russian oil and gas has never been stronger, as Russia continues to escalate its aggression towards Ukraine and threatens to cut off supplies to Europe. Given that almost 40 percent of total European gas consumption comes from Russian imports, this conflict has severe implications for European energy security.

- How will you work within the Bureau to promote European Energy Security by supporting projects like the Eastern Europe Natural Gas Development Partnership? What other projects would you prioritize?

Answer. As we watch the Kremlin utilize its energy leverage to manipulate our European allies and partners, we must do more to attract further investment and diversify supply. I understand that USAID is assisting countries in developing market rules and energy policy frameworks aligned with European standards. My understanding is that through the Eastern Europe Natural Gas Partnership, USAID collaborated with the United States Energy Association and regional natural gas transmission system operators to develop Eastern Europe's first regional pipeline planning model. I also understand that USAID partner countries are using the regional model to forecast the financial viability and technical requirements of their infrastructure projects focused on diversifying energy supply. If confirmed, I commit to continuing this important work to help bring greater energy security to Europe and Eurasia.

Question. In your efforts to address European energy security, how will you balance increased demand for energy and the dire need to decarbonize?

Answer. In my view, the Biden-Harris administration's climate change goals and USAID's efforts to advance the region's energy security are closely connected. Energy diversification and market integration, including the incorporation of more renewable energy sources, are critical to both the clean energy transition and advancing the region's energy security. I understand that USAID is working to diversify sources of energy supply in the region. In countries that predominantly have gas as their energy source and who are largely dependent on Gazprom, I understand that USAID helps partners open the market to alternative suppliers to limit Gazprom and the Kremlin's out-sized influence. At the same time, I understand USAID is working to expand the share of renewables in the energy generation profile across the region to reduce dependence on high-emitting coal-fired power plants. If confirmed, I commit to assisting our partners in the Europe and Eurasia region with advancing the clean energy transition, combating climate change, and improving energy security.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. ERIN ELIZABETH MCKEE BY SENATOR JAMES E. RISCH

Waste, Fraud, and Abuse

Question. If confirmed, will you commit to upholding a zero tolerance policy for waste, fraud, and abuse in the U.S. foreign assistance programs under your purview?

Answer. Yes, I commit to upholding a zero tolerance policy for waste, fraud, and abuse in the U.S. foreign assistance programs under my purview, if confirmed.

Question. If confirmed, will you also uphold a zero tolerance policy for USAID staff and implementing partners under your management responsibility who engage in the sexual exploitation and abuse of the communities and individuals they are meant to serve?

Answer. Yes, I pledge to uphold a zero tolerance policy for sexual harrassment and sexual exploitation for all USAID staff and implementing partners under my management responsibility, if confirmed.

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

Answer. Yes.

Question. If confirmed, will you commit to providing timely, accurate, and complete responses to questions and requests raised by the members and staff of the Senate Foreign Relations Committee, including its minority members?

Answer. Yes.

Material Support

Question. The United States has strict laws prohibiting the provision of material support to designated foreign terrorist groups.

- If confirmed, will you commit to ensuring that all USAID staff and implementing partners under your management responsibility strictly adhere to all relevant material support laws, regulations, policy directives, and vetting requirements?

Answer. Yes.

Question. If confirmed, what measures will you seek to put in place to ensure not only that all contracts and agreements contain the required material support clauses, but also that adherence is closely monitored and transparently reported to Congress?

Answer. I understand that compliance with federal contracting requirements is a priority of USAID, and if confirmed, I will work closely with staff and my counterparts in the USAID Management Bureau's Office of Acquisitions and Assistance to ensure that our acquisitions and assistance is conducted in full compliance with all applicable laws and regulations, and that monitoring and reporting are conducted in an efficient, timely, and transparent manner.

Question. If confirmed, will you commit to working with the Department of Justice, the Department of Treasury, and the Department of State to eliminate ambiguity and ensure that USAID's implementing partners, including USAID's humanitarian assistance partners, have clear guidance on what constitutes material support, how to identify intentional and incidental breaches, and how to respond?

Answer. Yes.

Country and Regional Programs

Question. At just over $635 million in FY2020 (actual), the non-security U.S. foreign assistance budget for Europe and Eurasia has been comparatively small.

- If confirmed, what will be your top foreign assistance priorities for Europe and Eurasia?

Answer. If confirmed, I will have the great privilege and responsibility of leading the USAID Bureau for Europe and Eurasia during a time when the stakes are extremely high. Responding to the crisis caused by Russia's unprovoked and premeditated invasion of Ukraine, including the reverberations felt among neighboring countries, would be my top foreign assistance priority. If confirmed, I would also seek ways to sharpen USAID's focus on countering efforts to undermine democratic institutions and the rule of law, stymying the manipulation of information, reducing energy vulnerabilities and dependencies, and expanding economic opportunities.

Question. What options does USAID have to provide humanitarian assistance and support democratic voices in Ukraine following Russia's unprovoked and illegal invasion?

Answer. USAID has employed a Disaster Assistance Response Team based in Poland that is working closely with our European allies and partners to meet critical needs caused by Russia's invasion of Ukraine. I'm also aware that USAID is providing food, safe drinking water, shelter, emergency health care, and much-needed household supplies to communities and displaced people in need where security conditions allow. I am committed to addressing the immediate humanitarian needs of the Ukrainian people and, if confirmed, will work in close coordination with my colleagues at USAID, the interagency, our European allies and partners, and with Congress, to respond to the devastating effects of Russia's unprovoked and unjustified attack on Ukraine.

I'm also aware that USAID continues to support democratic voices in Ukraine including through Ukraine's Center for Strategic Communications, which analyzes Russian disinformation narratives and rapidly produces content to counter them. These types of efforts are critical for countering Russia's efforts to silence or undermine Ukraine's democratic voices. If confirmed, I will continue to prioritize programs that lift up democratic voices inside and outside Ukraine and to safeguard the democratic gains the Ukrainian people have worked so hard to achieve.

Question. If confirmed, will you work closely with USAID's Bureau for Humanitarian Assistance to ensure a seamless transition from emergency response to early recovery in Ukraine, as conditions allow?

Answer. Throughout my career in the foreign service, I have seen firsthand USAID's ability to have a meaningful impact in conflict settings and support recovery efforts post-conflict. If confirmed, I look forward to overseeing such efforts in Ukraine, working closely with colleagues in the Bureau for Humanitarian Assistance, and to a continued dialogue with you on this issue.

Question. Where do the Balkans fit into your priorities for assistance?

Answer. If confirmed, USAID assistance to the Balkans would be a top priority. While countries in the Balkans, with USAID's support, have made considerable progress on their stated goal of Euro-Atlantic integration, these gains must be solidified and maintained. Foreign malign actors, particularly the Kremlin and the People's Republic of China, are actively working to undermine democratic and development progress in the Balkans. In my view, USAID assistance must be responsive to the threats posed by foreign malign actors, strengthen the institutions and processes in sectors that are foundational to democratic resilience, and expand economic opportunities.

Question. What concrete actions will you take as Assistant Administrator to push partner countries in Europe and Eurasia to reform their systems and crackdown on corruption?

Answer. I share your concern that USAID partner countries in Europe and Eurasia need to take additional measures to fight corruption and pass key reforms in order to promote prosperity, democracy, and Euro-Atlantic integration. The corrosive impact of corruption undermines national security and the rule of law, stunts development and equitable economic growth, and saps our partner governments of legitimacy, eroding faith in democracy itself. I understand that USAID is supporting the Biden-Harris administration's Anti-Corruption Strategy in the region through several lines of effort by piloting innovative approaches. I understand that one such effort is the Reporters' Liability Fund, which provides defense coverage and legal resources to journalists threatened with vexatious lawsuits. If confirmed, I will work with USAID to ensure the success of these programs and the sustainability of their outcomes, support the voices of anti-corruption activists and reforms by committed leaders, within and across the region.

EUROPE AND EURASIA

General

Question. Understanding that you are not yet at USAID and have not yet been fully read-in, what is your understanding and assessment of USAID's current priorities across the Europe and Eurasia region?

Answer. I understand that USAID's immediate priority for the region is responding to the crisis caused by Russia's unprovoked and unjustified invasion of Ukraine, including the reverberations felt among neighboring countries. I am also aware that USAID has a Countering Malign Kremlin Influence Development Framework which is a tool that helps orient and target resources toward the challenge of foreign malign influence. Additionally, I understand that USAID is taking on a range of other challenges and opportunities in the region, including countering democratic backsliding and rising authoritarianism, expanding economic opportunities, forging stronger trade linkages to Western countries, building energy security, countering disinformation, addressing the COVID–19 pandemic and its aftermath, and fighting endemic corruption.

Question. At what point do you believe that USAID offices should be closed in countries that have made marked progress in their political and economic development?

Answer. I understand that USAID has for some time diligently considered the question of when to phase out work in countries that have made sufficient development progress. I have also been briefed that the Bureau for Europe and Eurasia has an analytical unit for Monitoring Country Progress, which leverages a wide range of data and surveys to assess levels of development progress. If confirmed, I will look to utilize and continue to improve these analytical tools to make an empirically-based determination on the level of progress a particular country has made and whether such progress warrants consideration of a change to USAID's posture. If confirmed, I commit to consulting with Congress prior to undertaking any major programmatic or footprint changes in the region, if confirmed.

Question. Are there any thresholds that should be passed, or should such a decision be made as circumstances change?

Answer. It is my understanding that USAID, in coordination with the Department of State and the interagency, conducts ongoing assessments of regional and Agency priorities based on changing circumstances on the ground, and conducts regular evaluations of programs and development strategies. As a best practice, USAID should always be poised to flexibly respond to changing circumstances, opportunities, and constraints, to ensure we effectively utilize taxpayer dollars. I also believe that consistent consultation with Congress and all key stakeholders is critical to making sound, informed decisions regarding USAID's posture and footprint in the region. If confirmed, I look forward to engaging with you and your staff on these matters.

Question. To be more specific, what do you think are the best means of lessening a given country's reliance on USAID, and when such mechanism should be used?

Answer. I believe that the best means of reducing a country's reliance on USAID assistance is to ensure that our partner countries pursue and implement reforms that align with the principles of open, democratic, and responsive governance, and market-based and transparent economic development. I'm aware that USAID works tirelessly to ensure that programs promote these development principles and I look forward to supporting these efforts, if confirmed.

Ukraine

Question. The humanitarian situation in areas attacked and occupied by Russian forces, as well as in areas faced with an influx of refugees and IDPs, continues to deteriorate. This crisis requires a massive immediate response and will necessitate a long term strategy as hostilities continue and even after they stop.

- If confirmed, what will be the first actions you take to respond to the humanitarian crisis facing the Ukrainian people?

Answer. I understand that USAID has a Disaster Assistance Response Team based in Poland that is working closely with our European allies and partners to meet critical needs caused by Russia's invasion of Ukraine. I'm also aware that USAID is providing food, safe drinking water, shelter, emergency health care, and much-needed household supplies to communities and displaced people in need where security conditions allow. If confirmed, I am committed to addressing the immediate humanitarian needs of the Ukrainian people and will work in close coordination with my colleagues at USAID, in the interagency, our European allies and partners, and with Congress, to bolster the U.S. Government's response to the devastating effects of Russia's unprovoked and unjustified attack on Ukraine.

Question. How will you support and facilitate the response to the growing refugee situation in Poland, Slovakia, Romania, Hungary, and Moldova, as well as in other countries to which refugees may travel?

Answer. Russia's unprovoked and premeditated attack on Ukraine has already forced more than 1.3 million refugees to leave Ukraine. In addition, current estimates indicate that well over 160,0000 Ukranians have been displaced internally due to the violence propagated by the Kremlin. I understand that USAID, along with the State Department's Bureau for Population, Refugees, and Migration (PRM) are leading the humanitarian response on the ground and working closely with partners across the U.S. Government and our allies to address this crisis. I further understand that USAID is leading humanitarian assistance efforts for internally displaced persons in Ukraine while also providing food to refugees. State PRM is the lead agency for non-food assistance to refugees. According to projections, the numbers of refugees and IDPs is likely to increase dramatically. If confirmed, I pledge to work closely with colleagues at USAID, State, and the interagency to ensure we are effectively coordinating our assistance efforts. If confirmed, I pledge to consult early and often with Congress, which has a crucial role to play in the success of the United States' response to Russia's invasion of Ukraine.

Question. Should Russia's war against Ukraine drag on for months or years, what actions do you believe USAID should take to assist the Ukrainian people in need? What do you anticipate will emerge as long-term needs?

Question. While we do not yet know how long this conflict will endure or the extent of its impact, I believe that USAID—along with our allies—must remain committed to the people of Ukraine both by providing for their immediate humanitarian needs and supporting their longer term aspirations for peace, prosperity, and democracy. USAID has already demonstrated its ability to quickly pivot existing programs to meet evolving needs on the ground. For example, I understand that through long-

established partnerships with regional and local governments, USAID has supported civil preparedness efforts by helping local authorities respond to mass population movements, communicate with its citizens, and repair small infrastructure. I am also aware that USAID continues to review all of its programming to identify how to safeguard our investments and sustain these programs where possible, and most importantly, how to protect the safety of its staff and partners. Throughout my career in the foreign service, I have seen firsthand USAID's ability to have a meaningful impact in conflict settings and support recovery efforts post-conflict. If confirmed, I look forward to overseeing such efforts in Ukraine and to a continued dialogue with you on this issue.

Question. Should Russia's war against Ukraine drag on for months or years, what actions do you believe USAID should not involve itself in?

Answer. I believe USAID should remain focused on its humanitarian and development mandate of supporting the aspirations of the people of Ukraine for a democratic, prosperous, healthy, peaceful, and independent future. If confirmed, I look forward to joining in these efforts to working closely with our European allies and partners, interagency colleagues, and Congress, all of whom have a critical role to play in responding to Russia's unprovoked and premeditated attack on Ukraine.

Western Balkans

Question. The Western Balkans still face many of the ethnic divisions and political challenges as a result of the wars and crimes against humanity during the breakup of Yugoslavia.

- If confirmed, what actions will you take to advance efforts toward reconciliation, stability, political and ethnic relations, and anti-corruption?

Answer. I understand that USAID's assistance in the Balkans is addressing the intractable and intersecting problems which prevent the countries of the region from progressing towards greater Euro-Atlantic integration, including foreign malign influence, endemic corruption, youth brain drain, and the devastating impact of the pandemic on the economy. I understand that USAID's reconciliation programming across the Western Balkans includes people-to-people activities that bring together ethnic communities to foster organic communication and promote multi-ethnic social exchanges. If confirmed, I look forward to supporting these efforts, which are essential to building stability, peace, prosperity, and democracy to the region.

Question. The State Department has a number of experienced diplomats implementing a strategy for stability and reform in the Western Balkans. How do you plan to coordinate your efforts with your regional counterparts at the State Department?

Answer. I understand that USAID coordinates all of the agency's activities to complement the State Department's important diplomatic work, including USAID's ongoing support for the EU-facilitated dialogue between Serbia and Kosovo. If confirmed, I commit to continuing our close collaboration with the State Department on USAID's assistance efforts in the region.

USAID Missions in crisis zones

Question. We have had concerns about the risks that USAID teams have faced in countries like Belarus and Ukraine. Hostile governments and military operations have necessitated the evacuation and relocation of teams in the recent past, and USAID teams need emergency protocols for future situations.

- If confirmed, do you commit to devising comprehensive plans for USAID missions to evacuate, relocate, and (if feasible) transition to remote operations outside of the given country?

Answer. I agree that the U.S. Government is responsible for ensuring the safety and security of these dedicated Americans and local staff working in our embassies abroad. As the U.S. Ambassador to the Independent State of Papua New Guinea, to the Solomon Islands, and to the Republic of Vanuatu, and as a career foreign service officer, I understand the risks that exist to the safety and security of Embassy staff and personnel. If confirmed, I commit to working closely with USAID's Office of Security and the State Department to ensure there is extensive planning in place to safeguard all USAID personnel serving in USAID missions in Europe and Eurasia and our programs.

Anomalous Health Incidents

Question. Have you received a briefing on the anomalous health incidents that have occurred to U.S. Government personnel around the world, including at U.S.

embassies and other diplomatic posts? If you have not, and if you are confirmed, do you commit to receiving a briefing on the incidents before you depart for your post?

Answer. As a sitting U.S. Ambassador, I am aware of the anomalous health incidents that have occurred to U.S. Government personnel around the world, including at U.S. embassies and other diplomatic posts. If confirmed, I commit to receiving a briefing on any incidents involving the Europe and Eurasia region and to ensuring that the Agency takes all measures necessary to keep our personnel and partners safe from any threats.

Question. In the event of an anomalous health incident among your Embassy personnel or eligible family members, do you commit to maintain detailed records of the incident, and share the information with the State Department and other embassies to contribute to the investigation of how these attacks are affecting U.S. missions and personnel around the world?

Answer. Yes, I commit to maintaining detailed records and working with the State Department and relevant other entities on any anomalous health incident, if confirmed. The safety and security of our personnel is my highest priority.

Question. The past occurrences and ongoing threat of anomalous health incidents among Embassy personnel and their families poses a serious challenge to morale. When personnel at post fear for their safety or doubt that their case will be taken seriously if they were affected, the performance of Embassy operations can suffer. Whether or not anomalous health incidents occur at your Embassy, how will you work to restore and preserve morale that may be lost due to the knowledge these attacks have been occurring at posts around the world?

Answer. If confirmed, I commit to sharing information, productive dialogue, and coordination with the State Department to ensure the safety and security of our personnel. I also understand that USAID has a Staff Care unit which directly assists our personnel and facilitates their access to professional services that may be needed. If confirmed, I pledge that restoring and preserving morale both in Washington and in USAID missions overseas will be among my top priorities.

Chinese Influence

Question. Chinese has sought to expand its influence in Europe through politics, business and investment, including through the Belt-and-Road Initiative. Predatory business practices and flagrant human rights violations mean Chinese influence poses a risk to healthy development in Europe.

- If confirmed, what will you do to confront Chinese influence in Europe?

Answer. I share your concern about the growing influence of the People's Republic of China in Europe and Eurasia. I understand that USAID is helping partner countries identify viable investments that do not require them to sacrifice their long-term interests in favor of short-term gains. If confirmed, I would reassure our partner countries that there is an alternative to Chinese debt dependency, digital authoritarianism, misinformation, and strong-arm tactics. I will also work with host country partners and our allies, if confirmed, to secure mutually beneficial investments, connectivity, peace, security and development impact, with high quality results that will be sustained and endure.

Question. What are the greatest risks to development posed by Russian influence in Europe?

Answer. I believe that malign influence—and aggression—from the Kremlin is the most pressing threat to development in the region. I have been briefed on USAID's development framework for responding to malign Kremlin Influence, which positions USAID to counter this grave and complex threat to development across the region. If confirmed, I will seek to ensure that USAID further leverages its resources to target Kremlin corrupt networks. For example, USAID programs can work to further promote financial transparency to limit Moscow's ability to funnel money through the region and support investigative journalism to expose and disrupt the Kremlin's illicit financial operations. If confirmed, I will also work closely with USAID's Anti-Corruption Task Force and our interagency partners to identify new opportunities to expand our capabilities and impact in this effort.

Question. What are the greatest risks to development posed by Russian influence in the Western Balkans?

Answer. Russia has sought to expand its foothold in the media sector, its leverage in the energy sector, its economic power, and its influence with political leaders who have cultivated positive relations with the Kremlin in order to advance their own

political fortunes. The endemic corruption of the region has also left an open door to expanding Kremlin influence. This challenge has been particularly pronounced in the Western Balkans, where Moscow can exploit historical, cultural, and religious affinities, longstanding networks and economic ties, and protracted socio-political fractures to its benefit. If confirmed, I commit to continuing to support USAID's approach to addressing the Kremlin's growing influence in the Western Balkans.

Question. What tools does USAID have to guide underdeveloped European economies away from Chinese economic investment?

Answer. My understanding is that USAID is helping partner countries identify viable investments that do not require them to sacrifice their long-term interests in favor of short-term gains. For example, I understand that USAID helps build the institutional capacity of partner governments to identify and avoid unfair business practices and apply international procurement practices. If confirmed, I would reassure our partner countries that there is an alternative to Chinese debt dependency, digital authoritarianism, misinformation, and strong-arm tactics. If confirmed, I commit to continuing and expanding upon USAID's approach, which emphasizes choice, self-determination, and mutually beneficial investments.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. ERIN ELIZABETH MCKEE BY SENATOR JEANNE SHAHEEN

Question. The Balkans is often cited as the "soft underbelly" of Europe and the hearing underscored just how vulnerable the region can be to malign influences. Russia has not hidden its malicious agenda to sow discord and division. As a result, Serbia has remained neutral on Russia's war on Ukraine, and on Monday, Russian Foreign Minister Lavrov called Republika Srpska leader Dodik.

- Ambassador McKee, how will you approach the Balkans region to ensure that USAID's funding can contribute to the long-term success of the region? In particular, how does your programming engage youth and provide them opportunities for employment and a prosperous future? Is our assistance to the region currently structured in a way to meet our strategic goals and at appropriate levels to do so?

Answer. I agree that USAID assistance efforts in the Balkans should prioritize engaging with young people, too many of whom do not see a promising future for themselves in the region and as a result, are taking their skills and talent to other countries. I understand that current USAID programs in the Balkans are targeted on combating endemic corruption, creating more job opportunities, and the need to prepare young people for the workforce in order to combat the trend of young people leaving the region. As a leading advocate for the United States' role and leadership in the Balkans, and I would welcome the opportunity to work closely with you, if confirmed, on sharpening the focus of USAID's programs in the Balkans.

Question. I just returned from a Congressional delegation to Poland with Senators Coons and Durbin. As part of that trip, I had the opportunity to meet with members of the Belarus pro-democracy movement who are undertaking inspiring efforts to continue pushing for a free and democratic Belarus.

- Now that we have closed our diplomatic presence in Belarus, how will USAID pivot its remaining projects in Belarus to continue supporting a free and independent media, a vibrant civil society and a democratic Belarus?

Answer. Despite the Government of Belarus' efforts to stifle pro-democracy voices, I understand that USAID continues to provide assistance to the pro-democracy movement in Belarus. I believe that USAID should continue to support the democratic aspirations of the increasing number of exiled Belarusians, while still working with local partners where possible. If confirmed, I look forward to keeping you abreast of USAID's on-going efforts to assist civil society and a free and independent media in Belarus, both of which are critical lines of effort.

Question. While we call out the unprovoked aggression of Putin, it must be known that we are not at war with the Russian people. Putin is escalating his crackdown on the independent media and civil society groups. At the same time, Russia continues its disinformation efforts, spreading lies within and outside Russia.

- If confirmed, how will you reconsider our strategy to continue our support to the Russian people, particularly the independent media and civil society? How

do we effectively combat Russian disinformation? How is USAID collaborating with the State Department on this problem?

Answer. I agree that it is important to distinguish between the people of Russia and the Russian Federation. There are many Russian citizens showing remarkable courage and bravery by protesting the invasion of Ukraine in the streets of Moscow. I understand that through creative initiatives, USAID provides support to local, independent voices, media outlets and practitioners, and civil society organizations. As the Kremlin implements even harsher and more repressive measures inside Russia, I will, if confirmed, assess how USAID assistance can be most impactful and effective given the evolving situation.

Answer. I also understand that USAID staff working on countering Kremlin disinformation regularly meet with their counterparts at the State Department to discuss program design and share best practices. These efforts are also geared towards making sure USAID and State are avoiding duplication of efforts so that we can most effectively utilize the funds provided by Congress to counter the lies and false information spread by the Kremlin. If confirmed, I will seek ways to build upon the close coordination between USAID and the State Department around these critical efforts.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. ERIN ELIZABETH MCKEE BY SENATOR MITT ROMNEY

Question. The Russian invasion of Ukraine has precipitated a humanitarian catastrophe that will likely worsen as the Russian military continues to target innocent civilians, population centers, and critical infrastructure. One million Ukrainians have already been forced to flee their homes as refugees, with potentially millions more to follow. What's more, I remain concerned that Russia could conduct a siege of major cities, starving the populations. If confirmed, you will oversee USAID's foreign assistance efforts in Europe and Eurasia, including Ukraine.

- If confirmed, how will you plan to lead USAID's efforts to prioritize urgent assistance for the Ukrainian people, including food, water, shelter, and health care, including in the event that the Russian army tries to cut off supplies to Ukrainian cities?

Answer. I understand that USAID has a Disaster Assistance Response Team based in Poland, that is working closely with our European allies and partners to meet critical needs caused by Russia's invasion of Ukraine. I'm also aware that USAID is providing food, safe drinking water, shelter, emergency health care, and much-needed household supplies to communities and displaced people in need where security conditions allow. I am committed to addressing the immediate humanitarian needs of the Ukrainian people and, if confirmed, will work in close coordination with my colleagues at USAID, in the interagency, our European allies and partners, and with Congress, to respond to the devastating effects of Russia's unprovoked and unjustified attack on Ukraine.

Question. Will you commit to keeping me updated on USAID's efforts to support the Ukrainian people?

Answer. Yes. If confirmed, I pledge to closely consult with you on USAID's efforts to support the Ukrainian people.

Question. What is USAID's plan, alongside the State Department, the Department of Homeland Security, and other agencies, to address the crisis of potentially millions of Ukrainians seeking refuge in Poland and across Europe, as well as those who will be internally displaced within Ukraine?

Answer. Russia's unprovoked and premeditated attack on Ukraine has already forced more than 1.3 million refugees to leave Ukraine. In addition, current estimates indicate that well over 160,0000 Ukranians have been displaced internally due to the violence propagated by the Kremlin. I understand that USAID, along with our colleagues in the State Department's Bureau for Population, Refugees, and Migration (PRM) are leading the humanitarian response on the ground and working closely with partners across the U.S. Government to address this crisis. I further understand that USAID is leading humanitarian assistance efforts for internally displaced persons in Ukraine while also providing food to refugees. State PRM is the lead agency for non-food assistance to refugees. According to projections, the numbers of refugees and IDPs is likely to increase dramatically. If confirmed, I pledge to work closely with colleagues at USAID, State, and the interagency to en-

sure we are effectively coordinating our assistance efforts. If confirmed, I will also prioritize outreach and consultation with Congress which has a crucial role to play in the success of the United States' response to Russia's invasion of Ukraine.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. ERIN ELIZABETH MCKEE BY SENATOR TODD YOUNG

Question. If confirmed, how would you coordinate with our European partners in facilitating humanitarian assistance to Ukrainian refugees?

Answer. Within days of Russia's invasion, Administrator Samantha Power traveled to the border of Poland and Ukraine to draw attention to the needs of Ukrainians fleeing violence.

Administrator Power also met with European Union (E.U.) leaders in Brussels to deepen U.S.-EU cooperation on efforts to provide displaced Ukrainians with urgent humanitarian aid. If confirmed, I will work closely with our European counterparts to solidify and strengthen coordination on the response to Russia's unprovoked and unjustified invasion of Ukraine so that our assistance efforts are cohesive and synchronous.

Question. In what ways does the Ukraine war change USAID's priorities and planning for Europe and Eurasia?

Answer. Russia's unprovoked and premeditated attack on Ukraine presents a grave threat to freedom, democracy, and development progress throughout the region. The people of Belarus, Moldova, and Georgia are all too familiar with the specter of Russian aggression. I believe that USAID's continued support for the democratic movement in Belarus, the reform-oriented government of Moldova, and further progress on key reforms in Georgia is more critical than ever. The impacts of Russia's invasion of Ukraine are only beginning to reverberate throughout the region. I am committed, if confirmed, to leading USAID's efforts to support peace, democracy, and prosperity in Europe and Eurasia at this pivotal moment for the region.

Question. How do you believe the conflict affects USAID's long-term capabilities to carry out its programs within Ukraine?

Answer. While we do not yet know how long this conflict will endure or the extent of its impact, USAID has already demonstrated its ability to quickly pivot existing programs to meet evolving needs on the ground. For example, I understand that through long-established partnerships with regional and local governments, USAID has supported civil preparedness efforts by helping local authorities respond to mass population movements, communicate with its citizens, and repair small infrastructure. I am also aware that USAID continues to review all of its programming to identify how to safeguard our investments and sustain these programs where possible, and most importantly, how to protect the safety of its staff and partners. Throughout my career in the foreign service I have seen firsthand USAID's ability to have a meaningful impact in conflict settings and support recovery efforts post-conflict. If confirmed, I look forward to overseeing such efforts in Ukraine and to a continued dialogue with you on this issue.

Question. If confirmed, how would you reevaluate USAID engagement in Belarus and Georgia in light of Russia's latest actions?

Answer. Russia's invasion of Ukraine has broad implications for neighboring countries. The Lukashanka regime's decision to host Russian troops has invigorated anti-war sentiment within Belarus, manifesting in visible protests despite the repressive measures imposed by the Belarussian security services. I believe that USAID should continue to support the democratic aspirations of the people of Belarus and work with local partners where possible. If confirmed, I am happy to provide you with regular updates on USAID's support for the democratic movement in Belarus.

I understand that USAID assistance in Georgia focuses on supporting reform-oriented actors in civil society and public institutions that promote transparency, international standards, and accountability. I believe that the Agency should continue its dialogue with all key stakeholders to encourage constructive progress toward reforms and Western integration. I look forward to supporting these efforts, if confirmed.

Question. Given Russia's frequent mischaracterization of USAID's engagement, how would you communicate with our partners about the mission and role of USAID, if confirmed?

Answer. I share your concern about the Kremlin's tendency to spread lies and false information about USAID's programs in Europe and Eurasia. I understand that across the region,

USAID consistently communicates the Agency's mission of promoting self-determination, sovereignty, and helping partner countries make informed choices about their own development path. If confirmed, I would build upon the proactive messaging already underway to reach new audiences through community outreach, digital engagement, and support for local media across the region.

NOMINATIONS

TUESDAY, MARCH 15, 2022

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

The committee met, pursuant to notice, at 2:00 p.m., in Room SD–419, Dirksen Senate Office Building, Hon. Benjamin J. Cardin presiding.

Present: Senators Cardin [presiding], Menendez, Coons, Kaine, Markey, Booker, Schatz, Van Hollen, Young, and Hagerty.

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

Senator CARDIN. The Senate Foreign Relations Committee will come to order.

I know that we are still missing Dr. Muyangwa. But since she is a Marylander we will excuse her whenever she gets here so that will be fine.

Let me, first, thank our nominees and thank the committee. We adjusted the time because of the schedule changes here. There are bill signings taking place. We have, of course, the issues in regards to Ukraine. We will have President Zelensky before a virtual joint meeting of the members of Congress tomorrow. So it is a crowded agenda.

First, let me thank our nominees for their willingness to be flexible on time and the members of the committee. I, particularly, want to thank Senator Hagerty—he will be here shortly—for his cooperation in adjusting the calendar.

The Republicans did have a lunch today so he may be a few minutes late getting here. But he said it was perfectly okay for us to start the hearing in order to give maximum time for our witnesses—our nominees—and the questioning by members of the committee.

I want to thank all four of our nominees for these positions. These are extremely well-qualified individuals who have devoted themselves to diplomacy, a career in public service, and have served our Nation and are willing now to take on responsibilities in critically important positions at any time but, particularly, now the challenges that we have in our country.

I also want to extend my thanks to your families because we know that public service is a family sacrifice, and we thank them very much for their willingness to allow your service for our country.

I am going to give short introductions to our four nominees and then we will hear from you and we will have questions by members of the committee.

First on our list is Bernadette Meehan, who is nominated to be the Ambassador of the United States to the Republic of Chile. She currently serves as Executive Vice President of Global Programs at the Obama Foundation, where she served previously as Chief International Officer and Executive Director of International Programs.

Prior to that, she was a career Foreign Service Officer and worked in multiple positions at the National Security Council including as a senior advisor, as a special assistant to the President and National Security Council spokesperson, and earlier as Director for Strategic Communications.

She also served as a special assistant to the Secretary of State Hillary Clinton and served overseas in UAE, Iraq, and Colombia, and has served with bravery in some of our most dangerous situations.

Dr. John Nkengasong is currently the—has been nominated to be the Ambassador-at-Large of the United States Government Activities to Combat HIV/AIDS Globally. He is currently the director of African Center for Disease Control and Prevention in Ethiopia.

Prior to that, he was the Acting Deputy Director of the Center for Global Health at the U.S. Centers for Disease Control and Prevention, before that the chief of International Laboratory branch division of Global HIV/AIDS and Tuberculosis at CDC.

He also served as the Associate Director for laboratory science in the division for Global AIDS, HIV, and Tuberculosis at the Center for Global Health and co-chair of PEPFAR's laboratory Technical Working Group.

Dr. Monde Muyangwa has been nominated to be the Assistant Administrator of the U.S. Agency for International Development, and she is from Maryland, as I have indicated before. We will give her a little bit of a preference as a result of that, and then we know that she will be with us shortly. She is in the building and on her way up to the hearing.

She is the director of African Programs at the Woodrow Wilson Center. Prior to joining the Wilson Center, she served as the academic dean of the African Center for Strategic Studies at the National Defense University, where she also served as professor of civil-military relations. She also worked as Director of Research and then Vice President for Research and Policy at the National Summit on Africa.

Prior to that, she worked as Director of International Education Programs at New Mexico Highlands University.

Then, lastly, we have Rebecca Gonzales, who has been nominated to be the Senior Foreign Service Class of Minister-Counselor to be Director of the Office of Foreign Missions.

She is currently serving as the U.S. Ambassador to the Kingdom of Lesotho. Previously, she served as the chief of staff in the Bureau of Administration at the Department of State.

She has also served as the Deputy Executive Director of the Bureau of Near Eastern Affairs, as Deputy Manager Counselor at the U.S. Embassies in Pretoria, South Africa, Management Officer at

the U.S. Embassy in Botswana, a special assistant in the Office of the Under Secretary of Management of the Department of State.

Other assignments for Ambassador Gonzales include service in the Bureau of Near Eastern Affairs and the U.S. Embassies in Saudi Arabia, India, Colombia, and Greece.

Wow. Let me just tell you something. We have four very impressive individuals who have served our country with great distinction. We are really honored to have you before us and your willingness to continue to serve our . We thank you for that.

As I have indicated earlier, when Senator Hagerty gets here we will allow him to give his opening comments, but we will start with Ms. Meehan.

You may—your full testimony will be made part of our record and you may proceed as you wish. Please try to keep your comments to no more than five minutes.

STATEMENT OF BERNADETTE M. MEEHAN OF NEW YORK, NOMINATED TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHILE

Ms. MEEHAN. Chairman Cardin, Ranking Member Hagerty, and distinguished members of the committee, I am deeply honored to appear before you today as the President's nominee to be the U.S. Ambassador to the Republic of Chile.

I am grateful to President Biden and Secretary Blinken for the confidence that they have placed in me. I want to thank my husband, Evan, here with me today, my parents, Terry and Joe, and my sister, Liz, for their love and support, and note how much we love and miss my younger brother, Chris, who passed away last summer.

I would also like to express my love for my daughter, Milly, who, at three years old, is the light of my life and reminds me every day how rewarding and challenging it is to be a working mom.

Over 25 years I have been fortunate to hold diverse positions in the Government, nonprofit, and private sectors. But the highest privilege was representing my country for 13 years as a career Foreign Service Officer. It would be the honor of my life to return to the service of the American people as a U.S. diplomat.

If confirmed, I look forward to working closely with the Congress to advance the interests of the United States in Chile. While serving in Colombia on my first tour as a Foreign Service Officer, I was abducted and assaulted by armed assailants. During my year in Iraq, I witnessed every day the dangers facing Americans—diplomats, military, NGO staff, journalists, and civilians.

I am proud to volunteer with a nonprofit organization that supports families of Americans taken hostage or wrongfully detained abroad and the former hostages and detainees when they return home.

These experiences ingrained in me the solemn responsibility the U.S. Government has and, if confirmed, the safety of American citizens will be my highest priority.

I first visited Chile in 1992 when I was a 16-year-old high school exchange student in Argentina. On school break, I joined my host

family on a bus trip across Patagonia and Magallanes to Punta Arenas, Chile.

In the 30 years since, Chile has undergone enormous changes. The United States' relationship with Chile is one of the strongest, most diverse, and most beneficial in the Western Hemisphere, from trade and investment to cooperation in science, technology, and defense to promoting good governance and human rights throughout the region.

For over 30 years, Chile has been a champion of democracy and free and fair trade, and a like-minded partner with robust economic, academic, and cultural ties. Chile is also a leader in calling out human rights abuses and undemocratic practices in Cuba, Venezuela, and Nicaragua.

If confirmed, I will build on our shared values to continue this important and productive partnership with a focus on three areas.

First, supporting Chile's vibrant democracy at a pivotal moment in Chile's history with free and fair elections last year that set a powerful example for the region and the world, and a constitutional assembly that is channeling grievances into a peaceful and democratic reform process.

If confirmed, I look forward to working with President Boric and his administration and offering U.S. support to the Chilean Government and civil society organizations as they seek to deliver greater economic opportunity and social equality to the Chilean people.

Second, promoting economic opportunity and trade that will benefit all Americans and Chileans. Our free trade agreement has nearly quadrupled bilateral trades in goods, propelling job creation and economic growth in both countries.

The United States is Chile's number-one source of foreign direct investment with $23 billion in FDI, and the Department of Commerce reports that U.S. exports to Chile support an estimated 87,000 American jobs.

I believe Chile's commendable tradition of openness, combined with a responsible investment screening mechanism that considers national security interests, would maintain the security of Chile's critical infrastructure and sensitive technologies as well as Chile's attractiveness to foreign investors.

To protect and expand U.S. business opportunities, if confirmed, I will advocate for a continued business climate in Chile that is based on respect for free trade, democracy, and democratic good governance.

Third, bolstering our already strong collaboration in science, technology, and innovation, including on priorities such as investing in renewable energy and combating the climate crisis, as well as space, health, and emerging technologies.

U.S. investment in scientific infrastructure in Chile exceeds $1 billion. Chile is a leader on oceans and climate issues and in deploying clean energy such as solar, wind, and hydrogen.

Chile is also a world leader in vaccinating its people against COVID–19. The United States values our partnerships with Chile in these areas and, if confirmed, I will work to expand them.

Thank you for the opportunity to appear before you today and I look forward to your questions.

[The prepared statement of Ms. Meehan follows:]

PREPARED STATEMENT OF BERNADETTE M. MEEHAN

Chairman Cardin, Ranking Member, and distinguished members of the committee, I am deeply honored to appear before you today as the President's nominee to be the U.S. Ambassador to the Republic of Chile. I am grateful to President Biden and Secretary Blinken for the confidence they have placed in me.

I want to thank my husband, Evan, my parents Terry and Joe, and my sister Liz for their love and support, and note how much we love and miss my brother Chris, who passed away last summer. I'd also like to express my love for my daughter Milly, who at three years old is the light of my life and reminds me every day how rewarding and challenging it is to be a working mom.

Over 25 years, I have been fortunate to hold diverse positions in the Government, non-profit, and private sectors, but the highest privilege was representing my country for 13 years as a Foreign Service Officer. It would be the honor of my life to return to the service of the American people as a U.S. diplomat. If confirmed, I look forward to working closely with the Congress to advance the interests of the United States in Chile.

While serving in Colombia on my first tour as a Foreign Service Officer, I was abducted and assaulted by armed assailants. During my year serving in Iraq, I witnessed every day the dangers facing Americans—diplomats, military, NGO staff, journalists, and civilians. I am proud to volunteer with a non-profit organization that supports families of Americans taken hostage or wrongfully detained abroad, and the former hostages and detainees when they return home. These experiences ingrained in me the solemn responsibility that the U.S. Government has, and if confirmed, the safety of American citizens will be my highest priority.

I first visited Chile in 1992, when I was a 16-year-old high school exchange student in Argentina. On school break, I joined my host family on a bus trip across Patagonia and Magallanes to Punta Arenas, Chile. In the 30 years since, Chile has undergone enormous changes.

The United States' relationship with Chile is one of the strongest, most diverse, and mutually beneficial in the Western Hemisphere, from trade and investment to cooperation in science, technology, and defense, to promoting good governance and human rights throughout the region. For over 30 years, Chile has been a champion of democracy and free and fair trade and a like-minded partner with robust economic, academic, and cultural ties. Chile is also a leader in calling out human rights abuses and undemocratic practices in Cuba, Venezuela, and Nicaragua.

If confirmed, I will build on our shared values to continue this important and productive partnership, with a focus on three areas:

First, supporting Chile's vibrant democracy at a pivotal moment in Chile's history, with free and fair elections last year that set a powerful example for the world and a constitutional assembly that is channeling grievances into a peaceful and democratic reform process. If confirmed, I look forward to working with President Boric and his administration and offering U.S. support to the Chilean Government and civil society organizations as they seek to deliver greater economic opportunity and social equality to the Chilean people.

Second, promoting economic opportunity and trade that will benefit all Americans and Chileans. Our Free Trade Agreement has nearly quadrupled bilateral trade in goods, propelling job creation and economic growth in both countries. The United States is Chile's number one source of foreign direct investment, with $23 billion in FDI, and the Department of Commerce reports that U.S. exports to Chile support an estimated 87,000 American jobs. I believe Chile's commendable tradition of openness, combined with a responsible investment screening mechanism that considers national security interests, would maintain the security of Chile's critical infrastructure and sensitive technologies, as well as Chile's attractiveness to foreign investors. To protect and expand U.S. business opportunities, if confirmed, I will advocate for a continued business climate in Chile that is based on respect for free trade, transparency, and democratic good governance.

Third, bolstering our already strong collaborations in science, technology, and innovation, including on priorities such as investing in renewable energy and combatting the climate crisis, as well as space, health, and emerging technologies. U.S. investment in scientific infrastructure in Chile exceeds $1 billion. Chile is a leader on oceans and climate issues and in deploying clean energy, such as solar, wind, and hydrogen. Chile is also a world leader in vaccinating its people against COVID–19. The United States values our partnerships with Chile in these areas, and if confirmed, I will work to expand them.

Thank you again for the opportunity to appear before you today. I look forward to your questions.

Senator CARDIN. Thank you very much for your testimony.

We will now hear from Dr. Nkengasong.

STATEMENT OF DR. JOHN N. NKENGASONG OF GEORGIA, NOMINATED TO BE AMBASSADOR-AT-LARGE, COORDINATOR OF THE UNITED STATES GOVERNMENT ACTIVITIES TO COMBAT HIV/AIDS GLOBALLY

Mr. NKENGASONG. Chairman Cardin, Ranking Member Hagerty, members of the committee, I am deeply honored to appear before you today as President Biden's nominee as the U.S. Global AIDS Coordinator to lead and coordinate PEPFAR, the President's Emergency Plan for AIDS Relief.

I am immensely grateful to President Biden and Secretary Blinken for entrusting me at a critical time as we face the fight against a dual pandemic, HIV/AIDS and COVID–19.

I want to thank my lovely wife, Susan, and our three wonderful children—Pete, Gladys, and Paul—for their patience and support all the years as I have pursued a career in global health.

If confirmed, I would assume leadership of an unprecedented initiative with a long history of strong bipartisan congressional leadership and a proven track record of lifesaving work.

Since 2003 when Congress and President Bush created PEPFAR, it has saved more than 21 million lives and prevented millions of HIV infections, including in children. PEPFAR has been strengthened over the last 19 years through continued American generosity and a conviction to finish the fight against HIV/AIDS.

Despite COVID–19, PEPFAR has proven remarkably resilient in protecting and advancing HIV gains as well as creating the backbone to fight other health threats, including COVID–19.

I know this to be true, as I believe it and seen firsthand the positive impact it has had on people around the world.

If confirmed, I will draw upon my three decades of program and research experience in public health and HIV to advance PEPFAR's mission, assure that it continues its success, collaborate with partner countries and communities, and sustain the strong partnership it enjoys with Congress, including all of you.

If confirmed, I will be stepping into this role at a critical moment when the world is confronted with a dual pandemic. We have seen how COVID–19 has affected some HIV programs with devastating results. But we have also witnessed how the health systems and institutions built and strengthened by PEPFAR investment have been central to COVID–19 response.

If confirmed, I will work and focus on continuing our fight against HIV/AIDS in close collaboration with countries and communities while also acknowledging and appreciating the broader context that will determine the success of our actions.

As the director of the Africa CDC, I have seen how PEPFAR's investment in health systems have strengthened and, in some cases, established the fundamental health infrastructures—laboratory systems, surveillance, and human resources in the countries where we have served.

In the past, efforts around HIV were premised upon building health systems around the world. The goal now must shift and I believe our efforts must now ensure that these services and systems are sustainable, resilient to prevent and respond to HIV/AIDS, including pediatric HIV/AIDS, in the future, as well as other diseases.

For this to happen, it is my belief that we need to capitalize on the capacity and experience of those in the countries where we work with a deep respect for their perspectives or needs and taking into account their knowledge and local expertise.

As we continue our fight towards sustaining epidemic control of HIV/AIDS, the key task ahead of us will involve doubling down on evidence-based interventions to address local contexts. We must work in partnership with communities and countries to ensure that we have enabling environments that leave nobody behind.

For health systems to be sustainable and keep infectious diseases in check, we must act collectively to support the capabilities of local leaders and regional institutions, and work in respectful partnership and accountability with them.

I am humbled and privileged to appear before you today, and I look forward to answering your questions.

[The prepared statement of Mr. Nkengasong follows:]

PREPARED STATEMENT OF DR. JOHN N. NKENGASONG

Mr. Chairman, Ranking Member, members of the committee, I am honored to appear before you today as President Biden's nominee as the Ambassador-at-Large, Coordinator of the United States Government Activities to Combat HIV/AIDS Globally to lead and coordinate PEPFAR, the President's Emergency Plan for AIDS Relief. I am immensely grateful to President Biden and Secretary Blinken for entrusting me at this critical time as we face and fight the dual global pandemics of HIV/AIDS and COVID–19.

I want to thank my lovely wife Susan, and our three lovely children (Pete, Gladys, and Paul) for their patience and support all the years as they have followed me in multiple countries across the world as I pursue global health.

If confirmed, I would assume leadership of an unprecedented initiative with a long history of strong, unwavering bipartisan Congressional leadership and support and a proven track record of global life-saving work. Since 2003, when Congress and President George W. Bush created the initiative, PEPFAR has saved more than 21 million lives and prevented millions of HIV infections. PEPFAR has been strengthened over the last 19 years through continued American generosity and a conviction to finish the fight against AIDS.

Despite COVID–19, PEPFAR has proven remarkably resilient in protecting and advancing hard-fought HIV gains as well as creating the backbone to fight other health threats, including COVID–19. I know all this to be true, as I have lived it and seen it firsthand—the positive impact it has had on people around the globe.

PEPFAR is one of the most successful initiatives implemented through a whole-of-U.S. Government approach, bringing the best of the United States to bear. If confirmed, I will draw upon my three decades of experience with programs and research in public health and HIV, specifically from the United States CDC, as well as my recent experiences as the first Director of the Africa CDC and other leadership roles in public health institutions, to humbly advance PEPFAR's mission, assure its continued success, collaborate with partner governments and communities, and sustain the strong partnership it enjoys with Congress.

If confirmed, I would be stepping into this role at a critical moment when the world is confronted with dual global pandemics. We have seen how COVID–19 has affected some progress in our HIV efforts with devastating results, but we have also witnessed how the health systems and institutions built and strengthened by PEPFAR's investments have been central to the COVID–19 response.

I have dedicated my service to improving public health by fighting diseases. My experience specific to HIV goes back more than 30 years. I served as Chief of Virology and the WHO Collaborating Center on HIV diagnostics at the Institute of Trop-

ical Medicine Antwerp. I then served as the U.S. CDC's Acting Deputy Principal Director of the Center for Global Health, as well as an Associate Director within CDC's Division of Global HIV/AIDS and Tuberculosis.

If confirmed, I will draw upon these experiences and focus on continuing our fight against HIV/AIDS in close collaboration with governments and communities, while also acknowledging and appreciating the broader context that will determine the success of our actions and the future of the PEPFAR program. As Director of the Africa CDC, I have seen how PEPFAR's investments in health systems over the past 19 years have strengthened—and in some cases, established—the fundamental health infrastructure, laboratories, surveillance systems, and human resources for health in the countries where it helps serve.

In the past, efforts around HIV were premised upon building these systems from the ground up. With these now in place, the goal has now shifted, and I believe our efforts must now ensure that these services and systems are sustainable and resilient to prevent and respond to HIV/AIDS in the future, as well as other diseases. For this to happen, it is my belief that we need to capitalize on the capacity and experience of those in the countries where we work, coming to the table with a deep respect for their perspectives and needs, taking account of their insights, their knowledge of local contexts, and their reservoirs of expertise. For such systems to be sustainable and keep infectious disease in check, we must act collectively to support the capabilities of local leaders and regional institutions and work in respectful partnership and accountability with them.

As we continue our fight toward sustaining epidemic control of HIV/AIDS in so many places, the key tasks ahead will involve diplomatic engagement and doubling down on evidence-based interventions to address local contexts.

I am humbled and privileged to appear before you today and to be considered to lead, if confirmed, truly one of the most remarkable, life-saving efforts ever. I look forward to answering your questions.

Senator CARDIN. Thank you very much for your comments.

We will now go to Senator Hagerty for his opening comments. Of course, Senator Hagerty is a former ambassador to Japan so he knows how you all feel on that side of the room.

STATEMENT OF HON. BILL HAGERTY, U.S. SENATOR FROM TENNESSEE

Senator HAGERTY. Thank you, Senator Cardin, and I must say it was a real privilege to be on that side when you were sitting here. You were very kind to me through that process and I appreciate it.

And I would also say to all of you I hope you will reach out to us here on the Senate Foreign Relations Committee, should you be confirmed, and view us as your allies and supporters.

And, really, I would like to thank all of you and your families. I know what it takes from a family perspective to do the jobs that you are taking on. A big thanks goes out to them as well.

I would like to start with the nominee to be the U.S. Ambassador to Chile. The United States and Chile share a long history of friendship and cooperation, and I look forward to hearing from the nominee about how we can strengthen the U.S. partnership with Chile while also countering China's malign influence in the country and, frankly, throughout Latin America.

I would like to turn to the nominee to be the coordinator of United States Government activities to combat HIV/AIDS globally. This position will spearhead the effort to curb HIV/AIDS and the United States needs a strong ambassador who will work tirelessly to maintain this commitment in combating the HIV/AIDS pandemic. I look forward to hearing from the nominee on this subject.

Next, I would like to turn to the nomination for USAID's Assistant Administrator for Africa. This position serves an important role

in continuing progress made under the Trump administration's Prosper Africa Initiative to provide an alternative to China's increased investment in debt diplomacy on the African continent through its One Belt, One Road strategy.

At a time when our strategic adversaries are attempting to rewrite international rules and norms, it will be critical for USAID to advance investments and values that represent the free world.

And last but, certainly, not least, I would like to focus on the nomination to the Director of the Office of Foreign Missions.

This position has the important task of establishing the foundation of diplomacy by facilitating the secure and efficient operations of U.S. missions abroad and of foreign missions and international organizations here in the United States.

To all four nominees, again, I want to thank you and your families for serving our and for answering the questions before the committee today. I look forward to your testimony.

Thank you, Mr. Chair.

Senator CARDIN. Thank you, Senator Hagerty.

We will now go to Dr. Muyangwa. Glad to hear from you.

STATEMENT OF DR. MONDE MUYANGWA OF MARYLAND, NOMINATED TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Ms. MUYANGWA. Chairman Cardin, Ranking Member Hagerty, and members of the committee, I am honored to appear before you as President Biden's nominee for Assistant Administrator for Africa at the United States Agency for International Development. I am grateful for President Biden and Administrator Power's trust in me to serve in this position.

I would not be sitting before you today without the love, support, and sacrifice of my family in the United States and Zambia. I owe them a huge debt of gratitude.

I would especially like to thank my husband, our family anchor and my biggest supporter, David Kaloustian; our daughter, Inonge, who is here with me today; my mother, bo Nmukulo Muyangwa; and my siblings, extended family, and network of friends and colleagues.

I would also like to acknowledge two role models for their unwavering support and belief in me—my late father, bo Mubaale Muyangwa, and my late uncle, Simasiku Chimuka.

As a girl growing up in Zambia, I experienced USAID's work firsthand. To deter Zambia's support for the region's liberation and independence movement, the apartheid and minority regimes in South Africa and Rhodesia blockaded or destroyed landlocked Zambia's transport infrastructure, disrupting the economy and causing severe food shortages.

Still, USAID found a way of getting critical food supplies to the population. I vividly remember the day trucks pulled into my boarding school to deliver bags of maize meal emblazoned with the USAID logo.

In addition, being from a region hit hard by HIV/AIDS, I have lost family members to the disease. Over the years, I have wit-

nessed PEPFAR save millions of lives. USAID's mission resonates deeply with me on a personal level.

Professionally, I have spent the last 24 years working to advance U.S.-Africa relations, focusing on the issues that are at the heart of USAID's mission—security, development, and governance.

I spent three years at the National Summit on Africa engaging Americans across the country about why Africa matters to the United States and developing policy recommendations for stronger U.S.-Africa relations.

I then spent 13 years at the Africa Center for Strategic Studies at the Department of Defense building African capacities and partnerships to prevent and address conflict, violent extremism, and fragility, and enhance good governance and the rule of law.

For the last eight years at the Woodrow Wilson International Center for Scholars I have led the organization's work analyzing and developing policy options for addressing key issues in U.S.-Africa relations in the economic, governance, and security realms.

If confirmed, I vow to bring this substantive leadership experience and long-term commitment to working in a bipartisan manner to bear on the USAID mission on the Africa Bureau's work.

Today, USAID's mission is more important than ever. The COVID–19 pandemic has overwhelmed fragile health systems, caused tremendous loss of life, erased several years of development gains, and thrown millions of Africans into poverty.

Insecurity, violent extremism, and conflict in several countries have killed thousands and displaced millions more, resulting in humanitarian crises that are compounded by climate change.

Furthermore, the continent is witnessing a rapidly evolving democracy landscape and the increased role of international actors, especially China and Russia.

While the narrative about Africa is too often dominated by its challenges, the Africa that I know is also characterized by resilience, transformation, and promise, as partially evidenced by African innovations to mitigate the impact of the pandemic, expanding tech hubs, and people fighting to safeguard democracy.

These and other developments have reinforced my belief that Africa's people, particularly its youth, are the continent's greatest resource.

Therefore, if confirmed, I commit to working with you to engage with Africa's challenges and opportunities, and balance the agency's lifesaving work with investments in development.

Specifically, I would focus on four priorities.

First, solidify and expand our economic engagement and recover the gains lost to the COVID pandemic and humanitarian crises, and foster investments to help put the continent back on an upward development trajectory.

Second, address the key factors that hinder development including climate change, democratic backsliding, and fragility.

Third, consolidate, develop, and expand strategic partnerships with Africans in other countries with the private sector and civil society in order to amplify the pace and impact of desired development outcomes.

Fourth, and the overarching goal, lead and manage the Africa Bureau's people, programs, and financial resources in a way that

both supports the well being and security of staff and ensures that the resources entrusted to us by the American people are managed effectively, efficiently, and with accountability.

I have long appreciated the bipartisan support for Africa in Congress and, if confirmed, I look forward to working with you and others in Congress to continue to strengthen U.S.-Africa relations.

Thank you for your consideration.

[The prepared statement of Ms. Muyangwa follows:]

PREPARED STATEMENT OF MONDE MUYANGWA, PH.D.

Chairman Cardin, Ranking Member Hagerty, and members of the committee, I am honored to appear before you as President Biden's nominee for Assistant Administrator for Africa at the United States Agency for International Development. I am grateful for President Biden and Administrator Power's trust in me to serve in this position.

I would not be sitting before you today without the love, support, and sacrifice of my family in the United States and Zambia. I owe them a huge debt of gratitude. I would especially like to thank my husband, our family anchor and my biggest supporter, David Kaloustian; our daughter, Inonge; my mother, bo Namukulo Muyangwa; and my siblings, extended family, and network of friends and colleagues in both countries. I would also like to acknowledge two role models for their unwavering support and belief in me—my late father, bo Mbaale Muyangwa and late uncle, bo Simasiku Chimuka.

As a girl growing up in Zambia, I experienced USAID's work firsthand. To deter Zambia's support for the region's liberation and independence movements, the apartheid and minority regimes in South Africa and Rhodesia blockaded or destroyed landlocked Zambia's transport infrastructure, disrupting the economy and causing severe food shortages. Still, USAID found a way of getting critical food supplies to the population. I vividly remember the day trucks pulled into my boarding school to deliver bags of maize meal, emblazoned with the USAID logo. In addition, being from a region hit hard by HIV/AIDS, I have lost family members to the disease. Over the years, I have observed PEPFAR save millions of lives. USAID's mission resonates deeply with me on a personal level.

Professionally, I have spent the last 24 years working to advance U.S.-Africa relations, focusing on the issues at the heart of USAID's mission: security, development, and governance. I spent three years at the National Summit on Africa, engaging Americans across the country about why Africa matters to the United States and developing policy recommendations for stronger U.S.-Africa relations. I then spent 13 years at the Africa Center for Strategic Studies at the Department of Defense, building African capacities and partnerships to prevent and address conflict, violent extremism, and fragility and enhance good governance and the rule of law. For the last eight years at the Woodrow Wilson International Center for Scholars, I have led the organization's work analyzing and developing policy options for addressing key issues in U.S.-Africa relations in the economic, governance, and security realms. If confirmed, I vow to bring this substantive leadership experience and longstanding commitment to working in a bipartisan manner to bear on the USAID mission and the Africa Bureau's work.

Today, USAID's mission is more important than ever. The COVID–19 pandemic has overwhelmed fragile health systems, caused tremendous loss of life, erased several years of development gains, and thrown millions of Africans into poverty. Insecurity, violent extremism, and conflict in the Horn of Africa, the Sahel, the Lake Chad Basin, Central Africa, and northern Mozambique have killed thousands and displaced millions more, resulting in humanitarian crises compounded by climate change. Furthermore, the continent is witnessing a rapidly evolving democracy landscape and the increased role of international actors, especially China and Russia.

While the narrative about Africa is too often dominated by its challenges, the Africa that I know is also characterized by resilience, transformation, and promise, as partially evidenced by African innovations to mitigate the impacts of the pandemic, expanding tech hubs, and the people fighting to safeguard democracy. These and other developments have reinforced my belief that Africa's people, particularly its youth, are the continent's greatest resource.

Therefore, if confirmed, I commit to working with you to engage with Africa's challenges and opportunities and balance the agency's life-saving work with investments in development. Specifically, I would focus on four priorities: First, solidify and expand our economic engagement to recover the gains lost to the COVID pan-

demic and humanitarian crises, and foster investments to help put the continent back on an upward development trajectory. Second, address the key factors that hinder development, including climate change, democratic backsliding, and fragility. Third, consolidate, develop, and expand strategic partnerships with African and other countries, the private sector, and civil society in order to amplify the pace and impact of desired development outcomes. Fourth—and the overarching goal—lead and manage the Africa Bureau's people, programs, and financial resources in a way that both supports the well-being and security of staff and ensures that the resources entrusted to us by the American people are managed effectively, efficiently, and with accountability.

I have long appreciated the bipartisan support for Africa in Congress. If confirmed, I look forward to working with you and others in Congress to continue to strengthen U.S.-Africa relations.

Thank you for your consideration.

Senator CARDIN. Thank you very much for your comments.

We will now go to Ambassador Gonzales.

STATEMENT OF HON. REBECCA ELIZA GONZALES OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, NOMINATED TO BE DIRECTOR OF THE OFFICE OF FOREIGN MISSIONS

Ms. GONZALES. Chairman Cardin, Ranking Member Hagerty, and members of the committee, over four years ago, I was honored to sit before you as a nominee for United States Ambassador to the Kingdom of Lesotho. I thank you for putting your trust and confidence in me back then.

I am tremendously proud of the countless women and men across the globe with whom I have had the honor to work with as we have made important strides in combating HIV/AIDS, championing democracy and human rights, and promoting trade. I am truly honored to come again before this committee as a nominee, this time as the Director of the Office of Foreign Missions. I am grateful for the confidence President Biden and Secretary Blinken have shown in me through this nomination.

If confirmed as Director of Foreign Missions, I look forward to working with this committee and the Congress in advancing U.S. national security interests, protecting the American public, and advocating for United States missions, our dedicated staff members, and their families overseas.

I would like to take a moment just to recognize and thank my late father, Jose Rene, and my mother, Estella B. Gonzales.

My father, Colonel Jose Rene Gonzales, served in the United States Air Force for 26 years and was buried in 2013 with full military honors at Arlington National Cemetery.

My mother, Estella, who is still a D.C. public school teacher and is here with me today, has been teaching for over 30 years, and I thank you, Mom, for being here.

I would also like to recognize my son, Imagine Alexander, who recently completed his studies at the University of California, who is also here with me.

Raised in a military family, I lived abroad and this gave me a great appreciation for other cultures and a desire to serve my country by joining the Foreign Service. It has been a profound honor and great privilege serving my country for nearly 30 years as a Foreign Service Officer.

My experience in Africa, the Middle East, and Latin America and a recognition that there is always much to learn, have prepared me, if confirmed, for the important task of leading the Office of Foreign Missions, an organization whose primary goals are using reciprocity to ensure equitable treatment for U.S. diplomatic and consular missions abroad, regulating the activities of foreign missions in the United States to protect U.S. foreign policy and national security interests, protecting the United States public from abuses of privileges and immunities by members of foreign missions, and providing assistance to ensure the U.S.-based foreign mission community has appropriate privileges, benefits, and services on a reciprocal basis.

As you are aware, OFM was established in 1982 pursuant to the Foreign Missions Act. For more than 30 years this Act has guided the department's management and regulation of foreign missions in the United States and the extension of privileges and benefits, which are crucial to ensuring the smooth and efficient conduct of U.S. foreign policy.

It is through vigilant management and attention to these activities that OFM also protects the public from the abuses—from the abuse of privilege and immunities by members of foreign missions.

A key element of the Foreign Missions Act is reciprocity. This fundamental tenet allows OFM to positively influence and condition the environment in which U.S. diplomatic and consular missions abroad operate.

Reciprocity plays an integral role in advancing our national interests, the efficient conduct of diplomacy, and the safety and well being of our staff and their family members abroad.

In closing, Mr. Chairman, I am honored to have the opportunity to address you and the esteemed members of this committee. If confirmed, my priority will be to further the important objectives Congress set out in the Foreign Missions Act.

I look forward to continuing OFM's outstanding work in helping to resolve a myriad of existing challenges and those that inevitably rise in the conduct of U.S. diplomacy.

I thank you, again, for the opportunity to appear before you today and welcome any questions you may have.

[The prepared statement of Ms. Gonzales follows:]

PREPARED STATEMENT OF HON. REBECCA ELIZA GONZALES

Mr. Chairman, ranking member, and members of the committee, over four years ago I was honored to sit before you as the nominee for United States Ambassador to the Kingdom of Lesotho. I thank you for putting your trust and confidence in me back then. I'm tremendously proud of the countless women and men across the globe with whom I have had the honor to work with as we made important strides in combating HIV/AIDS, championing democracy and human rights, and promoting trade. I am truly honored to come again before this committee as a nominee—this time as the Director of the Office of Foreign Missions. I am grateful for the confidence President Biden and Secretary Blinken have shown in me through this nomination

If confirmed as Director of Foreign Missions, I look forward to working with this Committee and the Congress in advancing U.S. national security interests, protecting the American public, and advocating for United States missions, our dedicated staff members and their families overseas.

I would like to take just a moment to recognize and thank my late father, Jose Rene, and my mother Estella B Gonzales. My father, Colonel Jose Rene Gonzales, served in the United States Air Force for 26 years and was buried in 2013 with full

military honors at Arlington National Cemetery. My mother, Estella, has been a D.C. public school teacher for more than 30 years, and, indeed, I am fortunate to have her with me today. I would also like to recognize my son, Imagine Alexander, who completed his studies at the University of California who is also here with me today.

Raised in a military family, I lived abroad and this gave me a great appreciation for other cultures and a desire to serve my country by joining the Foreign Service. It has been a profound honor and great privilege serving my country for nearly 30 years as a Foreign Service Officer.

My experiences in Africa, the Middle East and Latin America and a recognition that there is always much to learn have prepared me, if confirmed, for the important task of leading the Office of Foreign Missions, an organization whose primary goals are:

- Using reciprocity to ensure equitable treatment for U.S. diplomatic and consular missions abroad;
- Regulating the activities of foreign missions in the United States to protect U.S. foreign policy and national security interests;
- Protecting the U.S. public from abuses of privileges and immunities by members of foreign missions; and
- Providing assistance to ensure the U.S.-based foreign mission community has appropriate privileges, benefits, and services on a reciprocal basis.

As you are aware, OFM was established in 1982 pursuant to the Foreign Missions Act. For more than 30 years, this Act has guided the Department's management and regulation of foreign missions in the United States and the extension of privileges and benefits ranging from property acquisition to domestic travel courtesies and restrictions. Each of these functions is crucial to ensuring the smooth and efficient conduct of U.S. foreign policy. It is through vigilant management and attention to these activities that OFM also protects the public from the abuse of privileges and immunities by members of foreign missions.

A key element of the Foreign Missions Act is reciprocity. This fundamental tenant allows OFM to positively influence and condition the environment in which U.S. diplomatic and consular missions abroad operate. Reciprocity plays an integral role in advancing our national interests, the efficient conduct of diplomacy, and the safety and wellbeing of our staff and their family members abroad. Accordingly, OFM plays a critical role in assisting with the resolution of matters with foreign governments thus contributing to the overall success of the Department's commitment to the safe and efficient operations of our diplomatic and consular missions abroad as well as the safety and prosperity of the American people.

In closing, Mr. Chairman, I am honored to have the opportunity to address you and the esteemed members of the committee. If confirmed, my priority will be to further the important objectives Congress set out in the Foreign Missions Act, to include the protection our national security interests and the American public. I look forward to continuing OFM's work in helping to resolve a myriad of existing challenges and those that inevitably arise in the conduct of U.S. diplomacy.

Mr. Chairman and members of the committee, thank you again for the opportunity to appear before you today. I welcome any questions you may have.

Senator CARDIN. Thank you for your comments.

All four of you, thank you for your service as you have taken life experiences and have turned that into a way to use the position of public service to strengthen our . I thank all four of you for your commitment to strengthening America through service and in diplomacy.

I have some obligatory questions that I will ask on behalf of the committee. I would ask that each one of you respond either yes or no to the questions. Then I will yield to my colleagues for the first round of questioning.

The first question—this has to do with cooperation with our committee, et cetera—do you agree to appear before this committee and make officials from your office available to the committee and designated staff when invited?

Just go down the row.

[All witnesses answer in the affirmative.]

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

[All witnesses answer in the affirmative.]

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

[All witnesses answer in the affirmative.]

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

[All witnesses answer in the affirmative.]

Senator CARDIN. You have all passed this part of the hearing. Congratulations to all of you.

[Laughter.]

Senator CARDIN. With that, let me yield to Senator Kaine.

Senator KAINE. Mr. Chair, Senator Hagerty, thank you so much, and what a great panel of witnesses.

Ms. Meehan, I want to talk to you about your service to the country because your opening comments were humble, and I do not want to delve into things that are uncomfortable but I also want this committee to know of your bravery.

You served in Colombia at a very difficult time—2004 to 2006—and you passed over it briefly in your comments. During the time you were serving our there you were kidnapped. You were assaulted.

There was a subsequent trial of at least some of the perpetrators. We always have nominees for ambassador who come before us and say they will take, as a serious priority, keeping their people safe and they always mean it.

I know that that means a particular amount to you, and I also know that you must really rejoice, as many of us do, in the progress that has happened in Colombia since the years that you were there.

To see Colombia announced as a major non-NATO ally by President Biden last week, those kinds of signs of progress make you feel—must make you feel pretty proud.

You then came back to United States later that year, 2006, and during the Bush administration. It was during the Iraq war, a particularly dangerous phase of that war, and the State Department was looking for volunteers to go to Iraq into the war zone there.

Having had a traumatic experience in Colombia, I doubt any of your colleagues would have looked askance at Bernadette Meehan not volunteering to go to Iraq. But you volunteered to go to Iraq within months after the difficult experience in Colombia.

And when I found this out, I was kind of stunned by that. I asked you, when we talked by phone, why did you volunteer to go to Iraq within months after this challenging, challenging situation in Colombia.

Ms. MEEHAN. Senator, thank you for your comments and for the question.

When I joined the Foreign Service, the area that I loved most in the world was the Western Hemisphere so I knew that I wanted to serve there on my first tour.

When it came time to bid on my second tour, the foreign policy priority of President Bush was the war in Iraq and I felt that as a Foreign Service Officer, a career civil servant, I had a duty to answer the call.

Secretary of State Condoleezza Rice was looking for volunteers to serve alongside the men and women of the armed forces and so, for me, this was part of the mission that I had signed up to as a career Foreign Service Officer.

I also joined the Foreign Service with the hope that someday I would be a leader in the Department of State, and I faced the question if at some point in the future, 10, 20 years, I was in a leadership position and was asked to send junior Foreign Service Officers off to a war zone or other difficult post I would have to be able to answer the question where was I during my formative years as a Foreign Service Officer when the war of Iraq and the war in Afghanistan was taking place.

And so in addition to a duty to serve the President and his foreign policy priorities, I also felt a responsibility to the institution of the State Department, which made it an easy decision.

It was by far the most difficult year of my life. That was a particularly vicious time in that war. But there is not a day that goes by that I regret the decision to serve.

Senator KAINE. And, Ms. Meehan, it was not just a difficult time in the war. It was a difficult time for you personally. Tell the committee.

Again, I do not want to probe unnecessarily but please tell the committee about your experience during the year you were in Iraq.

Ms. MEEHAN. Sure. It was a beautiful spring day and I was outside on my cell phone talking with someone on the other side of the Green Zone and I could hear the C–RAM go off—the alert system—in a far part of the Green Zone.

But there was a rocket barrage and one of the rockets landed close to where I was and I suffered a concussion, hearing damage that lingers to this day, as a result of that injury, which, to be clear, in the scale of the conflict and the ultimate sacrifices that people made fighting in Iraq and Afghanistan, it is minimal and inconsequential.

But this is part of the risk that we assume when we sign up to work in the Foreign Service. It is something that we acknowledge is a part of the commitment to serving the interests of the United States and part of our commitment to be worldwide available wherever the Secretary and the President need us to serve.

Senator KAINE. I would like to think that if I were in a similar circumstance and had had a very difficult experience, for example, in Colombia, and then I came back and then there was an opportunity to volunteer to go into a war zone, I would like to think—I would like to think that I would have accepted that responsibility and volunteered.

But I really cannot honestly say that I am sure I would have, and that was a very patriotic and ennobling decision. You continued to then serve patriotically for many more years in the Foreign Service, for which we thank you.

But, again, I did not want to get into things that were uncomfortable but I think this is really important for the committee to know. Thank you for sharing that.

I yield back.

Senator CARDIN. I think Senator Kaine speaks for every member of this committee. Thank you for your response to that.

Senator Hagerty?

Senator HAGERTY. I will speak for Senator Kaine as well to say I feel certain that you would have volunteered if that situation arose.

Ms. Meehan, I would like to just stay with you for the moment, if I might, first, to thank you. For a first tour FSO to have the experience you did in Colombia, I very much appreciate and respect how that has, I am sure, informed your decision-making process as you have continued to serve our and I am sure it will continue to do so, going forward, if you are confirmed.

I also want to acknowledge the fact—I understand you have a three-year-old.

Ms. MEEHAN. Yes, Senator. Milly.

Senator HAGERTY. If you are confirmed, I feel certain Milly will have a most wonderful life-changing experience as she grows into age—an age now that she will remember the experience being with you and serving in a very important role. I commend you and your family for that.

I would like, though, to turn to the influence of China in Chile. In 2018, Chile agreed to join China's Belt and Road Initiative. In 2019, Chile expanded its bilateral free trade agreement with China.

In 2021, Chile joined the Asian Infrastructure Investment Bank that China uses to mount its influence, and just a few days ago Gabriel Boric was inaugurated as Chile's new president, and a new president, a young president, a president that, I think, would probably benefit greatly from the advice of a United States ambassador.

I would like to get a sense for your understanding of the strategic implications of China's role and how that will inform your advice to that president as well as our policy there.

Ms. MEEHAN. Sure. Thank you very much for the question, Senator.

In addition to all of the statistics and context that you provided, it is important to note that China is also Chile's number-one trading partner, having overtaken the United States in 2009, and on the soft power side China has announced plans to open Sinovac manufacturing and distribution centers in Chile and also runs a network of 21 Confucius Institutes in the country and, in comparison, the U.S. runs 14 American spaces in Chile.

I think about approaching this issue with vigilance in a number of ways. The first is, as you note, there is a new administration. I think it is important to emphasize the importance of Chile maintaining a business climate that is based on respect for free trade, transparency, and democratic good governance.

I think we need to use our position to emphasize the advantages of engaging and doing business with U.S. companies and I think part of that is contrasting it with the impact that you get between PRC firms and U.S. firms in areas that are shared values for the

U.S. and Chile: environmental impact, labor rights impact, debt, sovereignty, telecom, and data privacy and security.

I would also underscore that investments that may seem convenient and inexpensive at the outset can be extremely costly——

Senator HAGERTY. Yes.

Ms. MEEHAN.—if they compromise national security, and this would be engaging with untrusted vendors as an example.

Senator HAGERTY. I think China's role in their telecommunications infrastructure is a concern that you and I both share. I would just encourage you that if you are confirmed that you would undertake a very direct and engaged position with the business community, with the Chamber of Commerce—the American Chamber of Commerce there—do everything you can to convene American enterprises. We are their largest foreign direct investor——

Ms. MEEHAN. That is correct.

Senator HAGERTY.—regardless of the fact that we have lost our—we have allowed China to take the pole position in terms of trade.

There is opportunity there and I think an ambassador with the right mindset can make a real difference, and the deeper our economic ties the stronger our security ties will be.

I would encourage you to do that and would be happy to work with you in that regard if I could be helpful in any way.

Next, I would like to turn to Dr. Nkengasong, and I understand that you worked on public health issues for many years, particularly in Africa.

And as a result of China's irresponsible and dangerous mismanagement of COVID–19 the entire world is still suffering from the consequences of this global pandemic. As the director of the African Centers for Disease Control and Prevention, I imagine you have had a view on China's role with respect to COVID–19 and I would like to get your sense of what China's role was with respect to the outbreak of COVID–19.

Mr. NKENGASONG. Thank you, Senator.

I have served as the director of the Africa Center for Disease Control and Prevention, which is a specialized technical agency of the African Union, for five years, and I was there as the second man from the U.S. Government to the African Union, which they deeply appreciate that.

I think—let me start, first of all, with the recognition that the leadership role that the U.S. has played in supporting Africa in this COVID fight has been extraordinary, especially with the support—the direct support provided to the Africa CDC.

The data that has been analyzed throughout the continent has been data analyzed with the support of the partnership with the U.S. Government. Large case studies have been conducted thanks to the efforts and direct technical assistance from the U.S. Government.

The U.S. Government is the largest provider of vaccines across Africa as we speak now, and thanks to that leadership, the continent—and I can speak—reflect on the mood within the African Union—is thanks to the support from the United States.

Now, we have to continue to work with WHO (World Health Organization) and all our allies to make sure that we understand the origins of COVID–19, the virus that caused this pandemic, and we

can only do that through cooperation and support for a strengthened WHO so that it can enable us to get into the depth of this.

If we do not know that, it will be very difficult for us to prepare for the next pandemic and even so to get rid of this current pandemic.

Senator HAGERTY. I am surprised that you would look to the WHO, given their role and their influence—the malign influence that China has had at the WHO. But with reform perhaps that is the correct answer. But thank you very much for your service.

Mr. Chairman, I am beyond my time here.

Senator CARDIN. Senator Schatz?

Senator SCHATZ. Thank you, Mr. Chairman and Ranking Member. Thank you to all of the nominees for your continued public service.

First question for Dr. Muyangwa. How do you think about climate adaptation, climate impacts? I am not asking you about policy questions as it relates to energy generation, fuel, anything like that.

But to the extent that USAID has a role in dealing with extreme weather events, drought, and all the suffering that goes along with that, is USAID downstream from all that and just sort of servicing those problems or does it have a role in sort of thinking through some strategies a little bit upstream and a little bit more looking where the ball is going to be as opposed to just responding to circumstances?

Ms. MUYANGWA. Thank you, Senator.

I mean, that is a key question. I understand that the agency is playing a key role in this area. Climate change is one of the priorities for the Administration and, therefore, for the agency as well.

To that regard, it is my understanding that the agency just recently released a draft climate change strategy that is looking at those different strategies and approaches of how we engage—internationally on this issue of climate change.

I do not have visibility on the strategy but I do know that the agency is working and figuring out how that strategy is then embedded into the various programming and approaches that it has on the continent.

Senator SCHATZ. Thank you.

Ms. Meehan, thank you for being willing to serve again. Can you just talk to me about rare earth minerals and the relationship that the United States has as it relates to the materials that we need specifically for some of our high-tech manufacturing and also the balance that we may have to strike in terms of we, clearly, need these rare earth elements but they are not inconsequential environmentally in terms of the extraction?

Ms. MEEHAN. Yeah. Thank you very much for the question, Senator.

The extractive industry is one that is extremely important to Chile's economy. They are the number-one producer of copper in the world and the number-two producer of lithium.

As you point out, lithium is sort of the conundrum in that it is necessary to develop batteries and some of the other things we need for clean energy but it is an extractive.

I think one of the ways that the United States can continue to partner with Chile in this area is on promoting sustainable development of critical minerals. We have deep U.S. mining interests and business interests.

But I think our commitment to environmental safeguards, in particular, referring back to Senator Hagerty's question, is a competitive advantage for us when competing with PRC firms that are looking to invest in this area.

Senator SCHATZ. Okay. That is a smart answer. Let me just ask you another broader question. Where are the additional opportunities for climate partnership?

Ms. MEEHAN. Sure. Chile has been a leader and is to be commended, I think, on clean energy, environment, and climate action. They use their——

Senator SCHATZ. And fisheries.

Ms. MEEHAN. And fisheries, yes. Marine protection, ocean protection, fisheries down around Antarctica as well.

We have a strong foundation for collaboration already and I think there is always opportunities to do more. They have an ambitious hydrogen program to use hydrogen as a way to reduce emissions from industry.

They are a leader in clean energy, solar, wind, which all, obviously, have positive impacts for the environment and are ripe for continued collaboration with the United States.

Senator SCHATZ. Final question. Reporters Without Borders assesses that there is, quote, "little pluralism" in Chile and that journalists are vulnerable. Do you share that assessment and, if so, what should we do about it?

Ms. MEEHAN. Sure. Thank you for the question.

Chile has a commendable tradition of an open and free press. President Boric, who just took office on Friday, has made respect for human rights, democracy, and transparency fundamental to his platform and so I would expect that this would be an area where I would continue to make the U.S. position on these issues known and would find an open audience in the new administration.

Senator SCHATZ. Thank you very much.

Ms. MEEHAN. Thank you.

Senator CARDIN. Senator Young had joined us by WebEx. Is Senator Young—I understand that he is not available right now.

Senator Van Hollen, are you ready?

Senator VAN HOLLEN. Thank you, Mr. Chairman. Thank you all for your testimony and service. Congratulations on your nominations.

Dr. Muyangwa, it is good to see a fellow Marylander here, and I chair the Subcommittee on Africa and Global Health of the Senate Foreign Relations Committee so I am especially interested in your vision of what role AID can play in Prosper Africa and other initiatives.

Could you just take a moment and talk about how you envision USAID's new trade and investment program and how that fits into Prosper Africa and any sort of changes in direction or vision from the previous administration, if you were confirmed?

Ms. MUYANGWA. Thank you, Senator.

One of the things that I have witnessed over the years of working in this space is how the United States Government has expanded our economic engagement infrastructure with the continent from one administration to the next.

Starting with AGOA, going on to President Obama's Doing Business in Africa and the Trump administration's Prosper Africa Initiative, I believe that that expansion gives us a lot of opportunities to strengthen our economic engagement with the continent to provide a rules-based alternative to—oh, the mic was not on. Sorry. Sorry. To provide a rules-based economic model that would counter what the PRC has to offer to the continent.

I think there are plenty of opportunities there for the agency to deepen that economic engagement and so that is a key piece of that.

I also see the work that Power Africa is doing on the African continent because I see Prosper Africa and Power Africa working together to push and expand and deepen that economic engagement.

The fact that Power Africa has now brought first time electricity users to 127 million since its inception, I think, that has implications for development. That has implications for our engagement with the African continent and so those are things that I would look to expand and build on, if confirmed.

The fact that Prosper Africa has now done, I think—I believe it is 800 deals worth $50 billion in about 45 African countries, and so if we continue to grow on that we really have the opportunity to strengthen U.S.-Africa economic engagement and counter the People's Republic of China at the same time.

Senator VAN HOLLEN. I appreciate that, and we had a hearing—our first hearing in the Subcommittee on Africa really focused on these issues of economic opportunity for Africa with its young population but also opportunities, of course, for American businesses working with African businesses.

And one of the suggestions that came out of that hearing—and I am just interested in your opinion. I do not have a particular view on this. But is that we really need to focus more on a sectoral strategy in order to be effective.

In other words, instead of simply saying we want to engage across the board on all commercial relations, should we be more strategic about it in terms of focusing on certain sectors with respect to our trade and investment strategy?

Ms. MUYANGWA. Sure, and I thank you very much for that question. I believe the agency is looking at some of those sectors already.

I understand, for instance, that the agency, together with the DFC, have a project that they are working on to enhance American investors' participation in West Africa's rapidly growing housing sector.

And so I think there are different things that they are looking at in that regard and I think that is work that should, obviously, continue.

I do not have enough information on it to know whether there are specific sectors beyond housing and the power sector. But that is, definitely, something that I would want to look into and see if that is a much more impactful strategy that we could pursue.

Senator VAN HOLLEN. Thank you. My time is very brief but I did have a quick question for Dr. Nkengasong. Congratulations on your nomination.

PEPFAR—my question is, obviously, we have an ongoing challenge of fighting COVID–19. How does that impact, if at all, your efforts with PEPFAR—the things we have learned from that or the things that make it especially complicated now with respect to PEPFAR, given what is happening in COVID?

Mr. NKENGASONG. Thank you, Senator.

Senator VAN HOLLEN. And I am afraid, for the good of my colleagues, if you could keep it at 30 seconds because I know others have questions.

Mr. NKENGASONG. Absolutely. I think PEPFAR, Senator, has created a tremendous public health infrastructure that has been used effectively, thanks to your leadership, to fighting HIV/AIDS in the world but also provides a unique opportunity to fight other diseases, including COVID–19.

We have seen how—during this pandemic how COVID has impacted our ability, some of our efforts, to fight HIV/AIDS. But we have also seen how we have used HIV platforms to scale up vaccination in countries like Zambia and others settings there.

I believe this is really an opportune moment to harness that investment that we have put in place for the last 20 years to make it a more robust and efficient system in fighting the HIV pandemic as well as other emerging diseases.

We all know in the field that there will be probably other pandemics, but if we use the platforms efficiently we can actually make an impact and get ourselves ready.

Senator VAN HOLLEN. Thank you.

Thank you, Mr. Chairman.

Senator CARDIN. I now recognize the Chairman of our committee, Senator Menendez.

The CHAIRMAN. Thank you, Mr. Chairman.

Congratulations to all of you on your nominations. They are all very important positions. Let me turn to Ms. Meehan.

President Boric has spoken out clearly on challenges to human rights and democracy in Latin America and the Caribbean, frankly stating that the repressive authoritarian regimes in Venezuela and Nicaragua have failed—his words—and there are permanent restrictions on freedoms in Cuba.

These are important and welcome statements by President Boric and provide an opportunity for U.S. diplomacy on democracy and human rights in our hemisphere.

If you are confirmed, how will you engage with President Boric on democracy and human rights in Cuba, Venezuela, Nicaragua, other countries in the hemisphere?

Ms. MEEHAN. Mr. Chairman, thank you for the question and for the opportunity to appear before the committee today.

This is an area where we have a shared interest with President Boric. As you noted, he has been strong in his defense of human rights in the region and around the world including the Russian invasion—condemning the Russian invasion in Ukraine.

I think we have a unique opportunity with him. He has made defense of human rights such a central piece of how he intends to

govern Chile and be active in the region that, I think, it gives us an opportunity to approach him to be a new kind of leader on the left in the region.

I am, particularly, heartened by the fact that he has pushed back against members of his own coalition who have disagreed with his statements condemning autocratic regimes in the region and he has made a point of saying, I think in response to their criticisms, that he will continue to condemn human rights no matter the creed of those inflicting them upon their people.

This is an area where I would plan to be actively engaged, centering this concern and our engagement around a shared value that the United States and Chile have and using it as an opportunity for him to make a firm statement.

The CHAIRMAN. I am glad to hear that.

Now, in that regard, you were on a podcast in 2018 in which you spoke about your role in shaping U.S. policy towards Cuba during the Obama administration and you offered your personal views.

Talking about Cuba, you said, quote, "In the broad sense, there is the sexiness of the history. There are assassination attempts, the swarthy guerrilla commander who overthrows Batista and takes over. Then there is the sultry mystery—the forbidden fruit, if you will. You get to know this place on a more intimate level and it is a charming, wonderful, enchanting place."

In referring to your talks with the Cuban regime, you also say, "If it takes sitting down at a table and really trying to understand the other perspective even if you completely disagree with it and being respectful and eating some pig and drinking some rum, and that allows you to say there should be space for internet and [speaks foreign language] or at least a space to discuss it, then I would say that is progress."

As you know, the Cuban regime has a decades-long record of repressing, jailing, torturing, and killing its political opponents. What aspect of the Cuban regime's human rights record fits into the, quote, "sexiness of history" that you mentioned?

Ms. MEEHAN. Senator, thank you—Mr. Chairman, thank you for the question.

In my work as a career Foreign Service Officer, my role was to carry out the policy of the President. I will never have the knowledge of Cuba that you have. I will never have the personal connection that you and thousands of other Cuban Americans have. I acknowledge that.

I care deeply about the plight of the Cuban people, and if anything I said in that interview led you to believe otherwise I regret that, and I would like to state clearly for the record today where I stand on this issue.

I believe that the Cuban people are entitled to choose their own government, that they are entitled to the universal human rights that everyone in the world is entitled to.

I believe that the regime needs to be held accountable for systemic ongoing abuses against the Cuban people. Cuba is a national security threat to the United States and a malign influence in the region, and if confirmed as Ambassador to Chile I will do everything in my power to advance U.S. policy to help the people of Cuba by partnering with the Government of Chile, and I would

welcome, if confirmed, the opportunity to consult with you on how we might encourage President Boric to take a more active role.

The CHAIRMAN. So then since the historic protests of July of last year where the Diaz-Canel regime jailed and sentenced hundreds of Cubans, including minors, to lengthy prison terms just for protesting peacefully, I assume that that was not part of your assessment of what makes Cuba a, quote, "charming, wonderful, enchanting place?"

Ms. MEEHAN. Mr. Chairman, in my limited role working on Cuba, the most meaningful aspect was getting to engage with some of the Cuban people directly, organizing President Obama's roundtable where I had the immense honor to meet courageous people like Jose Daniel Ferrer, Berta Soler, Yoani Sanchez, others who have fought and given way more than I can ever understand in defense of their own rights.

That is what was most meaningful to me about my engagement and, again, if any statements I have made took away from the focus that should be on the suffering of the Cuban people and the atrocities of the regime then I regret that, and I commit to you that if I am confirmed for this position I will do everything I can to fight to advance U.S. policy for the people of Cuba.

The CHAIRMAN. I raise these questions—this morning the full committee had a hearing on authoritarianism throughout the world and democratic backsliding and what do we do about that.

Here is the epitome of authoritarianism, dictatorship, and the consequences to people. And so I understand when one is a Foreign Service Officer that they speak, but in some of these comments it was not as a Foreign Service Officer. It goes to who you are in terms of what you are thinking about, and that is why I raise the question because if you are going to be in a country in Latin America where, in fact, the president has shown some willingness to engage in that direction and being an advocate for human rights and democracy in the hemisphere, then we need an ambassador who is going to echo that.

If I may, Mr. Chairman, I have one final question.

In December of 2013, I introduced the Nuclear Weapon-Free Iran Act, a bill that was co-sponsored by 59 members of the Senate, including Senators Schumer, Cardin, Coons, Booker, Warner, Casey, Gillibrand, Manchin, Bennet, just to mention a few.

As the NSC spokesperson, you responded to our initiative by saying, "If certain members of Congress want the United States to take military action they should be up front with the American public and say so.

"Otherwise, it is not clear why any member of Congress would support a bill that possibly closes the door on diplomacy and makes it more likely that the United States will have to choose between military options or allowing Iran's nuclear program to proceed."

I want to understand. I want to get clarification here. Do you, personally, believe that I, Majority Leader Schumer, Senator Cardin, Coons, Booker, and our colleagues, by introducing the bill, were pushing the United States to take military action against Iran?

Ms. MEEHAN. Mr. Chairman, thank you for the question.

I was a career Foreign Service Officer, and in my capacity as NSC spokesperson part of my responsibility was to issue comments and statements that reflect the President's policies.

Those comments and statements are often the product of interagency drafting and clearances way above my level. My personal opinion, since you asked for it, to be clear, is, first and foremost, that Iran can never be allowed to obtain a nuclear weapon.

With regards to your second question, no, I do not believe that. I served in Iraq, Senator, and I am very cognizant and admired the tough vote that you took to oppose the war in Iraq when it was a very unpopular decision.

I do not believe that you are someone who would advocate for unnecessary military action.

The CHAIRMAN. You made that statement as a—as the essence of an interagency process where, basically, you were told this is the position we have and so, therefore, you were espousing that position. Is that what you are telling me?

Ms. MEEHAN. Yes, Senator, that would be accurate.

The CHAIRMAN. That is a very insightful thing. And so I would also believe you do not personally believe that we were trying to close the door on diplomacy?

Ms. MEEHAN. Senator, I would hope that that no member of the U.S. Congress would close the door on diplomacy.

The CHAIRMAN. I really appreciate your answers or insights. That will go into my book for sure, and I thank you all. I have questions for—I know there are other colleagues here—I have questions. I will wait for Dr. Muyangwa as well.

Thank you, Mr. Chairman.

Senator CARDIN. Senator Booker was with us by WebEx. Is Senator Booker there?

[No response.]

Senator CARDIN. If not, we will go to Senator Markey.

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

And, Ms. Meehan, as a Boston College alumnus, congratulations to you and your incredible career in the Foreign Service and on the National Security Council.

We are very proud of you. We are very proud of Ambassador Burns now in China——

Ms. MEEHAN. Yes.

Senator MARKEY.—doing a great job. Ambassador Hartley in Great Britain. You are making the Eagles very proud—your great work—and in Chile, it is getting more complicated and, obviously, we need someone with great experience in order to be able to navigate that pathway.

With Boric now inaugurated and this relationship that the Chileans have with the Chinese, especially with regard to their precious metals and not only the United States' but other countries' need for them to make a clean energy revolution, could you talk a little bit about that copper, lithium, China, and the strings that they attach and what the United States should be doing in order to rectify that fact?

Ms. MEEHAN. Sure. Thank you very much for the question, Senator, and go Eagles, for the record.

Clean energy is an area where Chile has been a leader in the region and they are to be commended for that. They have made impressive commitments on becoming carbon neutral, phasing out coal power plants, focusing on solar and renewable, clean energy.

But extractives are also extremely important to the Chilean economy and there are also significant U.S. business interests in the mining sector in Chile, the number-one producer of copper, the number-two producer of lithium in the world.

But I think that this is an area where the U.S. can work with Chile to promote sustainable development of critical minerals, which allows the Chilean economy to continue to grow, which protects U.S. business interests in the mining sector but also allows us to use our competitive advantage over the PRC, which is our commitment to environmental safeguards and labor rights.

I think it is an issue where there are multiple threads of interest and priorities for the U.S. Government that we have a very collaborative partnership to build on with the Chilean Government.

Senator MARKEY. Thank you. And when President Kennedy gave his speech at Rice University when the Soviets threatened to take control of space that we needed a mission to invent new metals and technologies, and to bring that mission back from the moon in heat twice the intensity of the sun and get it all done in eight years, and we did it.

The Russians are challenging us again with the Russian oil and gas that too much of the West has become dependent upon and we need a similar response.

But we are going to need to find a way of using our relationship with countries like this as China seeks to exploit those relationships.

Would you like to comment upon China's plan right now in country after country, including Chile, to take disproportionate control over those natural resources?

Ms. MEEHAN. Sure, Senator.

Chile—China—the PRC is Chile's number-one trading partner. Chile is a member of the Belt and Road Initiative. We see Chinese increasing PRC investment in critical sectors like lithium production, telecom, ports, data security, renewable energy, energy distribution, and space within Chile.

It is an area where we need to remain vigilant. I think highlighting the advantages of doing business with the United States, our commitment to environmental safeguards, labor rights, the protection that is needed when dealing with data privacy and sovereignty issues shows a clear advantage for the United States over the PRC.

I also think it would be worthwhile and, if confirmed, I would like to share the experience of the United States that we have had with CFIUS.

This is a mechanism that has allowed us to identify critical sectors, identify threats to those sectors, and consider national security when making investment decisions, and I think that could be an experience that would be worth sharing with the Chilean Government.

Senator MARKEY. I thank you. And, again, your wisdom, your experience, they are going to be critical. This is a turning point in

world history that we are living through right now and we have to learn the lessons and implement a plan.

And, Dr. Nkengasong, how will you work with countries where same-sex relations are criminalized to ensure that LGBTQI persons are not shut out of receiving lifesaving health care through PEPFAR?

Mr. NKENGASONG. Thank you, Senator, for that. A very important question.

Our goal in PEPFAR, if confirmed, Senator, should continue to be focusing on the pandemic or epidemic by the year 2030.

That means using science and data-driven approaches to follow where the virus is. I will say that—I mean, our mantra should be follow the virus regardless of where it is because a threat—the virus presence in any community or subcommunity or individuals is a threat for all our efforts there.

I think, if confirmed, I would continue to advocate for the use of effective data-driven approaches, regardless of people's beliefs and practices, to fight the pandemic, and work with countries that have policies in place that are adverse to this and shed light on where the issues are, where they should focus on fighting the virus, knowing that it is a threat for all of us and it can undermine the 20 years of investment that we have all put in place there.

I think, Senator, if confirmed, that is what I will do with effective partnership with countries as much as possible to advocate for the rights of people.

Senator MARKEY. And I thank you, and I thank you, Mr. Chairman.

I just want to say that, without taking up any additional time, that conversion therapy is now increasingly a practice in countries around the world and I just want to make sure that you are going to work to ensure that no PEPFAR implementer discriminates against LGBTQI persons through such conversion theory.

Mr. NKENGASONG. Absolutely. That is what I am referring to, Senator that we should focus what—the enemy is the virus, not people. I think that is—that should be very, very evident and I will—if confirmed, I will carry that as a mantra.

Senator MARKEY. I appreciate that, and I appreciate the service of all of you here. Thank you so much.

Thank you, Mr. Chairman.

Senator Kaine [presiding]. Thank you, Senator Markey. We will have a second round of questions now. I will begin with Senator Menendez and then Senator Hagerty.

The CHAIRMAN. Thank you, Mr. Chairman.

In the last 18 months, coups have occurred in Mali, Chad, Sudan, Guinea, and Burkina Faso, and attempted coups in Niger, prompting alarm among policymakers about democratic backsliding in Africa.

Dr. Muyangwa, what is your—in your view, what accounts for the backsliding and how would you assess the effectiveness of USAID's democracy and governance programs in Africa?

Ms. MUYANGWA. Thank you, Senator.

Like you, I, and many other people who work in this space, are very concerned about the trend for democratic backsliding that we have seen across the globe, including Africa.

At the same time, even as the democratic backsliding is occurring on the continent, what you are also seeing is a very high demand from ordinary Africans for democracy.

The protests that have brought millions of Africans across the continent into the streets demanding democracy, demanding accountability for their government, that shows all of us that that demand for democracy is alive and well and in all corners of the continent.

I believe that the agency, USAID, is doing some good work in terms of trying to support and make sure that we can arrest this democratic backsliding. The investment that the agency is putting in terms of strengthening democratic institutions, strengthening or opening up the space for political participation, trying to work with some countries on electoral reforms, trying to ensure that we have a media that can play its role addressing electoral violence, so that they have—the agency has these programs in many countries that are experiencing this democratic backsliding.

The CHAIRMAN. Let me——

Ms. MUYANGWA. Having said that——

The CHAIRMAN. Yeah, I was just going to say, I am glad to hear you say having said that because my time is limited.

Ms. MUYANGWA. Sure.

The CHAIRMAN. Maybe this is where you are going to go next when you say having said that.

Part of it is I want to understand, from your view as someone who is nominated for this position, what is the—and it does not have to be nice if it is not nice, okay—the effectiveness of USAID's democracy and governance efforts in African countries, what adjustments would you make if you were confirmed?

Ms. MUYANGWA. If I were confirmed, I think one of the things we would want to look at is, really, looking at the new ways that authoritarians and others are using to undermine democracy, make sure we understand what those ways are, and then looking at our toolbox to say do we have the right tools in our toolbox to really go to the heart of these new ways of undermining democracy, and looking at our toolbox to say how can we amplify and consolidate some of the good work that the agency is already doing.

I think it is that part of understanding the ways in which democracy is being undermined and looking at the toolbox.

The CHAIRMAN. Can I get a commitment from you that you would engage with my staff on proposed changes to our democracy and governance programs in Africa to address this challenge?

Ms. MUYANGWA. Absolutely. I can commit to continuing to consult with the committee and your staff on this issue.

The CHAIRMAN. Okay. And, finally, Senator Kaine and I met with a series of members of the Ethiopian community last night, particularly, Tigrayans.

What do we do in a place like Tigray where, in fact, from my perspective, we have a genocide going on? We are seeing the slaughter. We saw a video of live people being burned.

I know we are focused on Ukraine, as we should be. But we cannot let the rest of the world think that they can get away with what they are doing because we are somehow diverted.

What do we do in a—what do we do in a country like that? How do we work to, first, get humanitarian assistance and then, of course, to develop a dialogue that brings us to a political solution?

Ms. MUYANGWA. Sure. Thank you, Senator. The situation in northern Ethiopia is a difficult one and the images that you were talking about, I think, we all saw those horrifying images this past weekend.

It is a tough question. I believe that the U.S. Government, including members of this committee, hitting all of the pressure points that I can see from where I sit, urging the political leadership to find a political situation to the situation, pressing on justice and accountability, ensuring that the Ethiopian and Tigrayan Government—sorry, the Ethiopian and Eritrean Governments focus on justice and accountability to ensure that those who are committing these gross violations are held to account, ensuring that national and international investigations can occur unfettered—the U.S. Government, including the agency, continue to press for unfettered humanitarian access.

I think continuing on all of those fronts needs to move forward, and if I were confirmed, that is—I would continue on those efforts on the humanitarian assistance, in particular.

The CHAIRMAN. We look forward to your confirmation as well as that effort, and we need our Government to double its efforts in this regard.

I think if this was happening in some other part of the world there would be a hue and outcry. It is happening in Africa and so, therefore, it does not quite seem to have the same outcry. My conscience will not be blotted by not raising it and continuing to drive our own country to deal with it.

Thank you very much.

Senator KAINE. Senator Hagerty?

And then Senator Coons.

Senator HAGERTY. Thank you, Mr. Chairman.

Dr. Muyangwa, I would like to turn to you, if I might, and talk about the Prosper Africa Initiative. I was very pleased to learn that in July of last year this program that was launched back in 2019 is going to be extended. When the program was first enacted, it was promoting trade, commercial ties, and investment across Africa.

It is all done with an aim to provide a more viable alternative to the malign influence that China and Russia both purvey there in Africa.

And I would like to ask you how would USAID best leverage the private sector—the American private sector, which is a huge source of competitive advantage for us here—how would USAID leverage our private sector to better counter the malign influence of China and Russia in the region?

Ms. MUYANGWA. Thank you very much, Senator, for that question.

I believe that Prosper Africa has already laid a solid foundation in terms of what it has accomplished to date—the 800 deals that it has already done with $50 billion—worth $50 billion—and I think building on that is going to be critical.

I think there are a number of ways that that can be leveraged. From my perspective, I think some of those ways include creating an environment in which American companies feel that their investments would be secure. Part of that is a regulatory framework.

I think in reducing the barriers to trade—that trade and investment that exists—and, really, just working to deepen some of the financial and capital markets.

I think there is a lot of space still in that area, but also just making American companies comfortable with the sense that their—they can invest in Africa safely and that they will yield a return on that investment.

I think all of those are key elements that the agency can continue to push on. But I think——

Senator HAGERTY. I could not agree with you more, and I am a very strong proponent of deeper economic ties because they lead then, certainly, to stronger security ties.

Ms. MUYANGWA. Absolutely.

Senator HAGERTY. I applaud your perspective on that and hope that you will continue to focus particularly on how to engage the private sector as an important partner in that initiative.

Ambassador Gonzales, I might turn to you now to talk about how Afghanistan is going to be represented in the United Nations.

In December, the United Nations General Assembly adopted a resolution to delay a decision on who will represent the Government of Afghanistan in New York. The Taliban, of course, seeks to replace the envoy from the Afghan Government.

The Afghan Government's current envoy was appointed by the democratically-elected people of—the democratically-elected Government of Afghanistan. We do not know how long this decision will be deferred at the United Nations.

But in your prospective role at OFM, what factors would influence the extent of the services, if any services, that you would provide to a Taliban-controlled Afghanistan mission to the United Nations in New York?

Ms. GONZALES. Thank you very much for that question, Senator, and I share your concerns about Afghanistan and the Taliban.

I thank Congress, as I did earlier, Senator, for passing the Office of Foreign Missions Act and providing us with those tools that we can use to regulate the activities of foreign missions here in the United States.

If I were confirmed, you have my commitment that I will work to protect U.S. national security, foreign policy interests, and I look forward to working with you, Senator, and the Congress and our other national security stakeholders to look into these issues and how—and determine how to address these issues in the best manner.

Thank you, sir.

Senator HAGERTY. Would you would you consider, for example, restricting the travel of diplomats from a Taliban-elected government the way we do diplomats from Iran or North Korea?

Ms. GONZALES. Thank you, Senator Hagerty.

We do have travel restrictions, as you noted, and if confirmed, I, certainly, would in consultation with our other—with yourself and our other national security stakeholders.

Senator HAGERTY. Thank you.

Ms. GONZALES. Thank you.

Senator HAGERTY. Thank you, Mr. Chair.

Senator KAINE. Senator Coons?

Senator COONS. Thank you, Acting Chairman Kaine and Acting Ranking Member Hagerty.

Thank you to the four nominees who are before me. It is great to have an opportunity to question you. I look forward to supporting your nominations and to working with you.

If I could, Ambassador Gonzales, just briefly, if confirmed, how would you improve the Office of Foreign Missions' work with local law enforcement to ensure the proper delivery of consular notifications to foreign nationals in the United States?

Ms. GONZALES. Thank you for that question, Senator Coons.

I would work—I know that our various offices of—our various offices throughout the United States work very closely with local authorities, municipal governments, and state governments as well as foreign missions located throughout the United States.

If I were confirmed, I will, certainly, travel to these areas and continue OFM's outstanding work in establishing—in communicating their relations with the various embassies and diplomatic missions throughout the United States.

And, of course, Senator, I welcome your advice and your partnership.

Senator COONS. Thank you.

Dr. Muyangwa, I would be interested in your thoughts both on the DFC—the Development Finance Corporation—and how we might strengthen its ability to partner with our vital allies to crowd in private finance and to contribute to the transparent and sustainable development of Africa and, thus, sort of build out a little bit Prosper Africa.

And given all your deep experience across the continent, what do you think the Administration's signature initiative might be as we prepare for the U.S.-Africa Leaders Summit later this year?

Ms. MUYANGWA. Thank you, Senator.

I think there are a lot of opportunities for USAID to collaborate with the DFC and that is already underway in many ways. I understand that USAID is working with the U.S. Development Finance Corporation to implement Prosper Africa and Power Africa.

That is a good mechanism for harnessing the 17 agencies that work together to make sure that everybody is pushing in the right direction.

The work that the agency has working with the DFC to invest in vaccine manufacturing facilities across Africa to ensure that Africa can respond to the next pandemic, I think, is key—these two manufacturing facilities that they have in Africa and India, which will produce 2 billion COVID vaccines, mostly for the developing world, and then there is the pioneering investment vehicle that I talked about that is looking at how Americans can invest in West Africa's rapidly growing housing sector.

And so I think all of those opportunities that provide an opportunity to, really, leverage and crowd in the private sector that can continue and be expanded upon.

Senator COONS. Thank you.

Dr. Nkengasong, thank you for your dedication to international public health. This is a particularly critical moment for us to remain vigilant and engaged around COVID–19 but to not forget that there continues to be public health challenges such as ones you have long addressed and that PEPFAR is a great example of a successful U.S.-led bipartisan approach to global public health.

I would be interested in your view. The Biden administration has agreed to host the next replenishment of the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

Has COVID–19 negatively or positively impacted international efforts to combat some of the most deadly infectious diseases in the world, including HIV/AIDS?

Mr. NKENGASONG. Thank you, Senator.

It is obvious, Senator, that in the last two years the COVID–19 pandemic has been extremely disruptive and has, really, taken over the space and crowded the attention that other serious pandemics—i.e., HIV and other endemic diseases like malaria and tuberculosis used to happen.

If confirmed, Senator, it will be my goal to make sure that we work with our partner countries to elevate and make sure that they understand that HIV is still a serious threat and a threat that if we do not pay enough attention to it the gains that we have made over the last 20 years may significantly be disrupted.

But it also offers a unique opportunity, as I said earlier, that the platforms that we have all put in place, including developing public-private partnerships—one of those, I recall, you engineered with Siemens several years ago when I was still at the U.S. CDC—bringing the private sector and other foundations to help with the efforts there.

I believe what are called—if confirmed, I will promote this lot—what are called Partnership For Action, which means that you bring all the foundations, their private sector, together so that we can continue to elevate the fight against HIV/AIDS, which is, as I believe and I have said, a serious security threat for countries that we support.

Senator COONS. Thank you, Doctor. And if I could, with the forbearance of the acting chair—and by the way, just while I have two members here, I just—we failed to fund the COVID supplemental and it is something, I think, is desperately needed globally before we see another variant emerge.

If I could, Ms. Meehan, thank you for your service under both the Bush and the Obama administrations. I know you have been asked at length about the challenges of the U.S.-Chile relationship, about how you would address China, which remains Chile's largest partner, and the new president, Gabriel Boric.

I would be interested in your comments on the U.S.-Chile astronomy partnership and its potential, and then just how you would advise us on sort of the future of the left-right divide in Latin America and what the United States, in working more closely, hopefully, with the new administration in Chile can do to help sort of reset some of the expectations about U.S.-Chile relationships.

Ms. MEEHAN. Sure. Thank you, Senator, for the questions.

Astronomy—so the United States has a bilateral science and technology agreement with Chile. Chile is a leader in this area.

The Atacama Desert provides some of the richest environments for astronomy and research anywhere in the world.

The U.S. is already a strong partner in these efforts, and what I find particularly exciting about opportunities and, if confirmed, what I would seek to expand on is that this is not just a government-to-government opportunity.

It is a way to bring in private-public partnerships, a way to include academia, entrepreneurs and, I think, given the need to focus on STEM in the United States and getting young people excited about science and technology, astronomy offers an interesting way to involve school-to-school and other people-people exchanges as a way of strengthening that already strong partnership.

With regards to your question about the left, President Boric has been in office only for a few days but we have already seen from him a strong defense of human rights, and what I have found particularly heartening is that he has made a point of saying that he will condemn violations of human rights whatever the creed of the government violating them.

He has spoken out strongly against autocratic tendencies in Nicaragua and Venezuela, and in defense of the Cuban people following the July 11th protests of last year.

I think this really represents an opportunity for the United States to say this is a shared goal and he has an opportunity to define a new model for what being a leader on the left really means in Latin America these days.

And, if confirmed, I would very much look forward to engaging with President Boric and his administration on this important issue.

Senator COONS. Thank you, Ms. Meehan. Thank you very much, Mr. Chairman.

Senator KAINE. Just a few last items.

Ambassador Gonzales, I just wanted to say the position at Office of Foreign Missions is very important in Virginia. Not only is such a high percentage of our State Department personnel living in Virginia but a very high percentage of the members of foreign missions posted to the Washington area live in Virginia.

I will never forget meeting President Duque of Colombia for the first time and he said, you know, I have followed you since you were mayor of Richmond. And I said, why would you do that? He goes, because I was living in northern Virginia for many of the years when I was posted here, I think, to the World Bank before getting into electoral politics in Colombia.

The operation—the efficient operation of these missions matters a lot to Virginians. The health and safety of our Virginians who are deployed overseas but own houses in Virginia matter a lot so your position is really important to my commonwealth and I just wanted to put that on the record that it is not just about things thousands of miles away. There is a home audience that really cares about the work of your office.

Dr. Muyangwa, I just want to associate myself with comments made by Senator Menendez about just the tragedy in Ethiopia, and nobody has been more active on this than Senator Coons. He has done just yeoman's work to try to leverage assets of the United

States to bring relief to suffering in Tigray and elsewhere in Ethiopia and find a path forward to negotiation and peace.

Your opening statement was very vivid as you described your excitement and your recollection of seeing grain delivered in bags with the USAID label emblazoned on them. One of the significant challenges now in Ethiopia is difficulty of delivering humanitarian aid in the midst of a crushing famine.

And so I would look forward to working with you, should you be confirmed, to make sure that we are really leaning forward on the humanitarian efforts there.

And then finally, Ms. Meehan, I wanted to ask you one more question about Chile. I understand that before you were in Foreign Service you had a first career in finance on Wall Street, and I actually think—I think it was Senator Hagerty who was asking you questions about the U.S.-Chile trade relationship.

We had been number one. China is number one, but we still have significant economic ties. How would that finance background be of assistance, should you be confirmed?

Ms. MEEHAN. Sure. Thank you for the question, Senator Kaine.

As you noted, I started my career on Wall Street, and I think this is a particularly critical time for U.S. engagement with the Government of Chile to defend U.S. business interests.

Not only do we have a new administration where the president has made commitments to the Chilean people about expanding equality that will require some tradeoffs with fiscal decisions, we also have a constitutional convention that is rewriting the entire constitution from scratch.

I think it is a critical time for U.S. engagement and, if confirmed, this would be one of my highest priorities. I would routinely engage with the U.S. business community, with the AmCham, with members of Congress, to understand what the priorities of the U.S. business community are and to understand what their concerns are.

I would relay those concerns on a regular basis to the Government of Chile. I would be a firm supporter and advocate for maintaining adherence to the Free Trade Agreement as they undertake a lot of these legislative and regulatory reforms, and I would also encourage the Government of Chile to engage directly with industry representatives as they are considering legislative and regulatory changes to understand directly from business what the impact will be on U.S. investment and, frankly, the broader investment climate because in order to deliver on the equality that he has promised for the Chilean people, President Boric will need to manage that with good fiscal policy because he cannot achieve those goals without a robust economy to fund it.

Senator KAINE. Thank you very much.

To all of the witnesses, congratulation on your nominations. The record of this hearing will remain open till close to business 5:00 p.m., Friday, March 18th, for colleagues that want to submit questions.

I would encourage each of you, should questions be submitted to you, that you respond promptly.

And with that, the hearing is adjourned.

[Whereupon, at 3:32 p.m., the hearing was adjourned.]

Additional Material Submitted for the Record

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO BERNADETTE M. MEEHAN BY SENATOR ROBERT MENENDEZ

Anomalous Health Incidents

Question. I am very concerned about directed energy attacks on U.S. Government personnel (so-called Anomalous Health Incidents). Ensuring the safety and security of our personnel abroad falls largely on individual Chiefs of Mission and the response of officers at post. It is imperative that any individual who reports a suspected incident be responded to promptly, equitably, and compassionately.

- Do you agree these incidents must be taken seriously, and pose a threat to the health of U.S. personnel?

Answer. Yes. I take nothing more seriously than the health and security of the people who will work with me, should I be confirmed. The interagency community continues its examination of a range of hypotheses. Secretary Blinken prioritizes the Department's response to Anomalous Health Incidents (AHIs), setting clear goals for the Health Incident Response Task Force to strengthen the Department's communication with its workforce and providing care for affected employees and family members.

Question. If confirmed, do you commit to ensuring that any reported incident is treated seriously and reported quickly through the appropriate channels, and that any affected individuals receive prompt access to medical care?

Answer. Yes. If confirmed, I will do everything possible to ensure that employees who report a possible AHI receive immediate and appropriate attention and care and the incident is reported through appropriate channels.

Question. Do you commit to meeting with medical staff and the RSO at post to discuss any past reported incidents and ensure that all protocols are being followed?

Answer. Yes. If confirmed, I will take nothing more seriously than the health and security of the people working at U.S. Embassy Santiago. I commit to working with health and security officials and other parties as recommended to establish and maintain appropriate protocols and ensure a healthy working environment for both Americans and local staff.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO BERNADETTE M. MEEHAN BY SENATOR JAMES E. RISCH

Question. Many U.S. Missions have been under enormous stress over the last few years, in large part due to COVID. What is your understanding of morale throughout Mission Santiago?

Answer. Overall, Mission morale has been resilient in the face of COVID–19 restrictions and challenges. I understand that Embassy leadership did an excellent job maintaining morale during the strict shutdowns mandated by Chilean authorities in 2020 and the move back to in-person engagements in 2021. The Chargé d'Affaires was widely commended for his proactive communication with the Country Team and Embassy community. Chile has the highest vaccination rate in the world, and nearly 100 percent of eligible U.S. employees and 95 percent of local Embassy staff are fully vaccinated. Restaurants, businesses, workplaces, and schools are open, and the Embassy conducts in-person official engagements and activities, while following U.S. and Chilean Government guidance on masking and social distancing.

Question. Many U.S. Missions have been under enormous stress over the last few years, in large part due to COVID. How do you intend to improve morale at Mission Santiago?

Answer. As Embassy Santiago, like many Missions around the world, emerges from a period of stress and isolation due to COVID–19, I will prioritize, if confirmed, personal engagement with the Embassy community—with an emphasis on listening so I can best understand concerns and priorities. If confirmed, I will be the first Ambassador to lead Embassy Santiago in more than three years, and I will build on

the excellent work of the Chargé d'Affaires to prioritize communication through regular, Mission-wide Town Hall forums and dedicated office hours for more personal conversations. Finding ways to celebrate the accomplishments of team members will also be a focus, including contributions by Locally Engaged Staff. The well-being of families is key to Embassy morale, and I look forward to being a frequent participant at events coordinated by the Community Liaison Officer.

Question. Many U.S. Missions have been under enormous stress over the last few years, in large part due to COVID. How do you intend to create a unified Mission and vision at Mission Santiago?

Answer. To be successful, Embassy Santiago must work towards shared objectives, and all agencies and individuals must understand how they contribute to them. I understand that the Embassy is developing a new integrated country strategy (ICS) with the input of all agencies at post that aligns with the Administration's priorities. If confirmed, I would use the ICS process to invest all team members in the unified vision—not just Agency and Section heads—by prioritizing communication and feedback, and creating diverse, inclusive interagency teams to accomplish the resulting objectives.

Management is a Key Responsibility for Chiefs of Mission

Question. How would you describe your management style?

Answer. My management style is approachable, inclusive, and engaged. I lay out clear objectives and motivate individuals while creating a strong sense of community and shared purpose among the entire team. If confirmed, my focus on the wellbeing of the community will include families of Mission personnel. I strive to provide clear direction and give people autonomy, while always being available to offer guidance and feedback, and I will welcome feedback from all members of the Embassy community. I treat all team members with respect and will foster a culture that emphasizes respectful feedback and celebration of accomplishments throughout the Mission. I care deeply about supporting professional development and have a particular interest in nurturing future leaders within the Embassy community.

Question. Do you believe it is ever acceptable or constructive to berate subordinates, either in public or private?

Answer. No, I do not believe it is ever acceptable or constructive to berate subordinates, either in public or in private.

Question. How do you envision your leadership relationship with your Deputy Chief of Mission?

Answer. The Ambassador's relationship with the Deputy Chief of Mission (DCM) is a partnership that is critical to the success of any Embassy. If confirmed, I intend to partner with my DCM to create an environment where all team members feel empowered to achieve the Mission's goals and take pride in their work.

Question. If confirmed, what leadership responsibilities do you intend to entrust to your Deputy Chief of Mission?

Answer. If confirmed, I will empower my Deputy Chief of Mission (DCM) to act as a Chief Operating Officer who will oversee the day-to-day operations of the Embassy. These responsibilities will include leading the Emergency Action Committee and other Embassy working groups, as well as supporting employee-led initiatives, including diversity and inclusion efforts. I believe deeply in professional development opportunities and will ask the DCM to lead leadership development and mentorship programs for all levels of staff, both American and locally employed. I will also ask the DCM to support efforts of the Community Liaison Officer to maintain the well-being of the broader Embassy community, including families. I view the Ambassador and DCM as partners, and intend to have a close, collaborative relationship where the DCM is encouraged to provide feedback and guidance to me on a wide range of issues.

Question. The Department has a well-established system for providing regular, ongoing feedback through formal counseling sessions and employee evaluation reports (EERs). If confirmed as Ambassador, it will be essential for me to establish clear expectations and guidelines for all Embassy personnel, both American and locally employed staff, to ensure employees are performing as a team and at the highest level.

- Do you believe that it is important to provide employees with accurate, constructive feedback on their performances in order to encourage improvement and reward those who most succeeded in their roles?

Answer. Yes. If confirmed, I will make it a priority to provide employees with accurate, constructive feedback on their performances to encourage improvement and reward those who most succeeded in their roles. I will also ensure that this is a priority for all Embassy managers.

Question. If confirmed, would you support and encourage clear, accurate, and direct feedback to employees in order to improve performance and reward high achievers?

Answer. Yes. If confirmed, I will support and encourage clear, accurate, and direct feedback to employees to improve performance and reward high achievers.

Question. It is imperative that U.S. diplomats get outside of posts abroad to meet with local actors, including host government officials, non-government organizations, and fellow foreign diplomats stationed in Chile.

- In your opinion, do U.S. diplomats get outside of our Embassy walls enough to accomplish fully their Missions?

Answer. It is important for diplomats to get outside of Embassy walls and engage with more people to accomplish the Mission. I understand that Embassy Santiago has a very positive relationship with civil society, the private sector, host government officials, and fellow foreign diplomats, and if confirmed I hope to continue these constructive relationships in pursuit of our goals. The current staff of the Embassy travel throughout the country and, if confirmed, I plan to visit each region of Chile personally and will encourage Embassy staff to frequently get out of the Embassy to meet with our interlocutors.

Question. How do you intend to improve the ability of U.S. diplomats to better access all local populations?

Answer. Accessing local populations is key to meeting our objectives. The COVID–19 pandemic significantly changed the way Embassy Santiago engages with local communities, by using virtual and hybrid engagements to maintain communication. If confirmed, I will work with the Embassy's health unit and regional security office to ensure our diplomatic staff can safely access all local populations in person when needed and with our public affairs section to continue to incorporate online engagements to reach more people outside of the capital of Santiago.

Question. Public diplomacy is an Important Aspect of U.S. Foreign Policy Efforts, What is the public diplomacy environment like in the Chile?

Answer. Chileans have a strong baseline affinity for the United States and are receptive in general to U.S. points of view. Chile enjoys a free and professional press, though overall public trust in the media has been decreasing according to public opinion surveys. Traditional media ownership is highly concentrated, but new digital media outlets are gaining traction. Embassy Santiago operates 14 American Spaces throughout Chile as a key platform for people-to-people engagement, including in areas that are increasingly influenced through the People's Republic of China's (PRC) 21 Confucius Institutes. The United States engages in a wide range of educational, cultural, and professional exchanges and programs in Chile to build people-to-people relationships, promote economic ties, and enhance institutional and civil society networks.

Question. What public diplomacy challenges do U.S. diplomats face there?

Answer. While nearly seven in ten Chileans expressed a favorable opinion of the United States, around half of Chileans expressed favorable views of the People's Republic of China (PRC), which is aggressively trying to expand its influence in Chile through a network of 21 Confucius Institutes, outreach by the ambassador, and a robust media campaign including paid advertising. U.S. public diplomacy efforts to counter the PRC's influence campaign in Chile are focused on highlighting our shared values, security interests, and commercial and academic links.

The low rate of English language fluency, and Embassy Santiago's limited resources to help the Chilean Ministry of Education improve English language teaching, present additional challenges.

Question. How do you balance the importance of Main State versus the in-country Mission when it comes to tailoring public diplomacy messages for foreign audiences?

Answer. Our countries share many of the same values and priorities, and Chile has the capacity to help advance those priorities. To do so, it is critical that the Embassy tailors Washington messaging in a way that demonstrates our expectations and belief that Chile can and should be an equal partner and regional leader. Based on their expertise of the Chilean media environment and public, Embassy Santiago's Public Affairs team is well suited to convey U.S. policy objectives in a way that pre-

serves Department goals while gaining maximum traction with the Chilean public. Depending on the topic and target audience, some messages are more effective coming from Washington voices. If confirmed, I will ensure that the Embassy and Washington continue to work closely together to not only get the message right but also the messenger.

Question. "Anomalous health incidents", commonly referred to as "Havana Syndrome", have been debilitating and sidelining U.S. diplomats around the world for years. They have caused serious, negative consequences for U.S. diplomacy, yet many believe that the Department is not doing enough to care for, protect, and communicate to its personnel.

- If confirmed, do you commit to taking this threat seriously?

Answer. Yes. If confirmed, I commit to taking this threat seriously.

Question. If confirmed, do you commit to talking as openly as you can to Mission Santiago personnel?

Answer. Yes. If confirmed, I commit to talking as openly as I can to Mission Santiago personnel. I believe it is important to communicate regularly and transparently with all elements of the Mission.

Question. China is building a logistics base in Tierra del Fuego, Argentina, near the Chilean border. Please describe your concerns with this logistics base and growing Chinese presence in Argentina and Chile in particular.

Answer. The U.S. Government does not discourage or prohibit countries from working with the People's Republic of China (PRC), however we are concerned about its growing number of projects in critical infrastructure and sensitive sectors in the region, including investments in lithium production, energy distribution, telecom, space, and renewable energy in Chile. The United States and Chile share a close relationship based on shared values. Both countries also recognize the benefits of working together on issues of common interest, including economic growth; clean energy development; cooperation on science, technology, and innovation; access to quality education; improved natural resource management; biodiversity conservation; and environmental enforcement and facilitating trade.

If confirmed, I will continue our collaboration with Chile in these critical sectors and ensure that I voice U.S. concerns about the national security implications of potentially risky or sensitive projects with the PRC. Embassy Santiago will also continue to promote transparency, cooperation, and international security to strengthen our bilateral relationship in the process.

Question. What tangible efforts should Chile pursue to counter malign Chinese presence?

Answer. Chile is a democratic country with strong institutions and a positive relationship with the United States in terms of shared values and common interests. If confirmed, I will continue to foster our relationship to promote fair labor practices, human rights, and strong environmental policies. I believe Chile's commendable tradition of openness, combined with a robust national security-focus investment screening regime, would help to protect Chile's critical infrastructure and sensitive technologies, as well as Chile's attractiveness to foreign investors. If confirmed, I will work with the committee on Foreign Investment in the United States (CFIUS), chaired by the Treasury Department, to build understanding with the Chilean Government about the CFIUS process and best practices in foreign investment reviews. I will also advocate for a continued business climate in Chile that is based on respect for free trade, transparency, and democratic good governance.

Question. If confirmed, how would you engage the Chilean public about their constitutional reforms?

Answer. The Constitutional Convention is a sovereign process that allows the people of Chile to weigh in on the future path that their country will take. Chile continues to serve as a model for the Western Hemisphere as its people channel their discontent into a peaceful, democratic, and transparent process. If confirmed, I will convey respect for the Chilean people to determine the nature of their constitution and express faith in the Chilean people's dedication to democratic principles. If the new constitution is approved, I will ensure that it is clear to both the Chilean public and government that the United States will continue to deepen our strong bilateral cooperation as Chile moves forward under its new constitution.

Question. What implications do you see for the bilateral relationship if the constitution moves away from the rules-based order built over the past forty years?

Answer. Chile continues to prove itself as an example of a strong democracy, rooted in the safeguarding of human rights and rule-of-law. Chile is deeply committed to the promotion of human rights and democratic principles on a global level, and a strong proponent of rules-based open trade, both in bilateral and multilateral settings. President Boric emphasizes his administration's commitment to holding all human rights abusers accountable, regardless of a leader's political affiliation. Although we do not yet know the outcome of Chile's Constitutional Convention, the Biden-Harris administration is optimistic that the new constitution will reflect Chile's steadfast commitment to these principles as the United States deepens its robust political and economic cooperation with the Boric administration based on our shared values.

Question. Please describe your assessment of Chile's role in the mass migrations taking place across Latin America?

Answer. As host to a growing population of approximately 500,000 Venezuelan migrants and 180,000 Haitian migrants, Chile plays an integral role providing humanitarian support to migrants in country, as well as an important leadership role in addressing this crisis regionally. For example, during the Regional Migration Ministerial held in Bogota, Colombia, in October 2021, Chile supported the Ministerial statement to advance more humane migration management policies in the region. The new Foreign Minister, Antonia Urrejola, publicly stated that Chile must play a leadership role in coordinating the regional response and indicated that Chile will adopt the Global Compact for Safe, Orderly, and Regular Migration. Migrants from the region continue to view Chile as a destination that offers economic opportunity. A migration law passed in April 2021 offered a pathway to legal status for irregular migrants, but some civil society organizations expressed concern that bureaucratic obstacles still prevent some migrants from regularizing their status.

Question. How would you engage with the Chilean Government to have a more productive role in migration management?

Answer. The United States is negotiating a non-legally binding bilateral Migration Arrangement with Chile, as well as with several other key partners throughout the hemisphere. Each bilateral Arrangement is expected to draw from a common framework of priorities on stabilization of migrant and refugee-receiving communities, expansion of legal pathways for migration and protection, and increased humane migration management. The proposed bilateral Migration Arrangement with Chile provides a mechanism to urge Chile to take on greater responsibility to humanely manage migration and expand the reach of our collaborative efforts throughout the hemisphere. If confirmed, I will work closely with the Government of Chile, civil society, and international partners to make progress on this issue.

Regional Politics

Question. What do you view as the biggest challenge to regional stability in Latin America?

Answer. One of the most prominent challenges to regional stability is the gap between the aspirations of the people of the Americas for improved social and economic conditions, more inclusive democracy, and greater opportunities and the capacity of governments to meet those expectations. Frustration with weak and ineffective governance and corruption create opportunities for populist and authoritarian actors to take advantage of that frustration to gain power. Chile's strong institutions and leadership can help address this challenge. Transnational organized crime represents a continuing threat as well.

Trafficking in Persons

Question. In the State Department's 2021 Trafficking in Persons Report, Chile was identified as Tier 1 for its ongoing efforts to combat human trafficking in-country but there are still areas of improvement such as increasing lenient sentencing for traffickers.

- What is your assessment of this issue?

Answer. Chile met the minimum standards for the elimination of trafficking and demonstrated serious and sustained efforts to combat trafficking. However, lenient sentencing means that many convicted traffickers receive only probation without time in prison, which creates potential safety concerns for trafficking victims, weakens deterrence, and undercuts Chile's wider efforts to fight trafficking. Nevertheless, the Chilean Government identified more trafficking victims in the last reporting period, established a new specialized anti-trafficking investigative unit, and expanded the capacity of an existing specialized unit—all positive efforts. If confirmed, I will

continue to work with the appropriate authorities to ensure Chile continues to make progress in its efforts combating sex and labor trafficking.

Question. If confirmed, how will you work with the office of the Ambassador-at-Large to combat and monitor trafficking in persons to improve anti-trafficking efforts in Chile?

Answer. If confirmed, I will coordinate with the Ambassador-at-Large to integrate anti-trafficking components into our broader engagement with the Chilean Government. I will build on current efforts in Chile to strengthen the capacity of law enforcement and public officials at the local and national level to raise awareness, effectively investigate and prosecute trafficking crimes, and to provide increased services to victims. I will encourage the Embassy team to think creatively about engaging with the Chilean Government and public on trafficking and responding to local challenges.

Question. If confirmed, how can you work with other regional U.S. Ambassadors to improve trafficking efforts in neighboring countries?

Answer. If confirmed, I will coordinate with other U.S. Ambassadors to support consistent outreach and messaging within the region, to identify best practices and lessons learned across legal frameworks, law enforcement efforts, and programming to combat sex and labor trafficking and address the needs of vulnerable communities.

Question. In the State Department's 2020 International Religious Freedom report, Chile was reported to have had serious incidents motivated by antisemitic or anti-Muslim behavior and rhetoric. What is your assessment of this particular issue and if confirmed, how will you work with the Ambassador-at-Large to bolster religious freedom in-country?

Answer. I strongly condemn any religious freedom violations and any violations of the rights of members of religious minority groups. If confirmed, I will engage a wide range of religious groups, including Chile's Jewish and Muslim communities, to understand their concerns and priorities and to promote interfaith dialogue and understanding. I will work with the Ambassador-at-Large to apply best practices to foster a zero-tolerance environment for religious discrimination in Chile.

Question. In 2020, the Chilean senate passed a pro-BDS resolution calling on President Pinera to adopt a law boycotting goods from Israeli settlements in the West Bank and commercial activities with companies operating in the West Bank. If confirmed, do you commit to pushing back on the BDS movement and any bias against Israel?

Answer. The administration and I firmly reject the BDS movement, which unfairly singles out Israel. While the Administration always respects the right to freedom of expression, the United States will be a strong partner in fighting efforts to delegitimize Israel. We will continue to support Israel's further integration into the international community, and if confirmed, I will do the same in Chile.

Question. If confirmed, how will you work with the Chilean Government and civil society on such matters relating to their efforts to support BDS?

Answer. If confirmed, I will build on previous efforts by Embassy Santiago to actively engage with Chilean lawmakers and the Boric administration to convey the United States' firm opposition to boycott movement worldwide and the Boycott, Divestment, and Sanctions (BDS) legislation that currently sits in the Chilean Chamber of Deputies, as well as any efforts to delegitimize Israel. While the bill does not explicitly mention Israel, many of the bill's supporters have made clear that their goal is to implement BDS restrictions on all Chile-Israel trade. I will also engage relevant community members, businesses, and embassies from like-minded countries to speak out against support for the BDS movement.

Human Rights

Question. In the State Department's 2020 Human Rights Report, Chile had isolated reports of serious human rights abuses or concerns by the Government including arbitrary or unlawful killings.

- If confirmed, how can you engage with civil society to bolster human rights on the ground and at the US Mission?

Answer. The U.S. Embassy in Santiago engages with civil society, especially regarding human rights, and meets regularly with non-profit organizations and the Chilean Government to address concerns when appropriate. If confirmed, I will continue our work on this issue with the newly inaugurated Boric administration,

whose Foreign Minister, Antonia Urrejola, has an extensive human rights background.

Question. If confirmed, please describe your human rights strategy and priorities as U.S. Ambassador to Chile.

Answer. The United States and Chile have a strong, shared foundation of values that encompass respect for human rights and democratic principles. President Boric has spoken out against human rights abuses committed in Nicaragua, Venezuela, and Cuba. Human rights and multilateral cooperation make up core tenets of his stated foreign policy goals, which provides an opportunity for him to be a leader in the promotion of our shared values across the hemisphere. If confirmed, I will use this opportunity to encourage new avenues of cooperation with the Boric administration to ensure that human rights remain a central pillar of U.S.-Chilean cooperation, both within Chile and the hemisphere. I also commit to supporting the Embassy team in policy and programming endeavors to advance respect for human rights and to identify bilateral cooperation opportunities with the new Boric administration.

The United Nations

Question. The Office of Multilateral Strategy and Personnel (MSP) in the State Department's bureau of International Organizations leads a whole-of-government effort to identify, recruit, and install qualified, independent personnel at the U.N., including in elections for specialized bodies like the International Telecommunications Union (ITU). There is an American candidate, Doreen Bodgan-Martin, who if elected would be the first American and first woman to lead the ITU. She is a tough race that will require early, consistent engagement across capitals and within the U.N. member states.

- If confirmed, do you commit to demarching the Chilean Government and any other counterparts necessary to communicate U.S. support of Doreen?

Answer. Yes. Secretary Blinken publicly endorsed Ms. Doreen Bogdan-Martin's candidacy to lead the ITU in March 2021. If confirmed, I will work closely with the Bureau of International Organization Affairs (IO) to support Ms. Bogdan-Martin's candidacy and encourage Chile to vote for her for ITU Secretary-General, as well as the candidacies of other Americans endorsed by the Department to fill critical positions at the U.N. and its specialized bodies.

Question. If confirmed, how can you work with the International Organizations (IO) bureau and other stakeholders to identify, recruit, and install qualified Americans in positions like the Junior Program Officer (JPO) program at the U.N.?

Answer. If confirmed, I will work with IO to identify U.N. and JPO opportunities for qualified U.S. citizens, recruit U.S. citizens for these positions, and advocate on their behalf where appropriate.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO BERNADETTE M. MEEHAN BY SENATOR MARCO RUBIO

Question. I have the honor and privilege of representing the country's largest Cuban American community in Florida. I am the son of Cuban immigrants. For all of us in South Florida, our history with Cuba is complicated and tragic. Today, Cuba is a country where Cubans cannot succeed. Instead, the Cuban people are jailed and tortured for simply exercising the fundamental freedoms of speech, religion, and assembly.

In 2018, you spoke with Ben Rhodes on his podcast about your experience organizing President Obama's 2016 trip to Havana. In that podcast, you spoke glowingly of your experience in Cuba and working with Alejandro Castro, Fidel's nephew. You said that there was a "sexiness" to Cuba's history and even a "sultry mystery."

- Do you stand by those statements, in light of the experience of Cuban Americans with the regime? Please explain.

Answer. I recognize, and feel deeply about, the plight of the Cuban people. I believe that the Cuban people are entitled to a stable, prosperous, and free country, and I admire their courage and strength as they seek access to fundamental freedoms and human rights. I believe that the Cuban regime needs to be held accountable for its systemic oppression of the Cuban people and its malign activities in the region. If confirmed as U.S. Ambassador to Chile, I will support all U.S. efforts to

empower the Cuban people to determine their own future and efforts to hold the regime accountable.

Question. Given your egregious misreading of Cuba's history, why should Chilean Americans, and the Senate, trust your judgement when it comes to representing America's interests in Chile, if confirmed?

Answer. As a career Foreign Service Officer my duty was to assist in the implementation of the President's policies to the best of my ability, and I did so faithfully in Republican and Democratic administrations, in assignments around the world. In those 13 years of service to the United States as a career Foreign Service Officer I willingly made personal and career sacrifices to advance U.S. interests and values around the world. I also have broad and deep experience working in finance, which has prepared me to be a strong advocate for U.S. trade and investment interests in Chile, particularly at a time of increasing competition from the People's Republic of China. In addition, I have spent years working to provide access to opportunity to young people around the world, which I believe to be not only in their interest, but in the interest of the United States. I have been honored to volunteer to assist families of Americans held hostage or unjustly detained overseas as well. If confirmed, I will use all of these experiences to promote U.S. interests in Chile and throughout the Western Hemisphere, which I believe my record of service shows I am well qualified to do.

Question. March 20th marks the 6th anniversary of President Obama's visit to Havana, the first by an American president since the revolution. In the podcast with Ben Rhodes, you described the evening of the 20th extremely vividly. You went to a state-owned restaurant, a paladar, called LaGuardia. You described the evening as "this great roof deck and people are smoking cigars and drinking rum" with Jimmy Buffett, Derek Jeter, and Jose Andres.

- Is this an inaccurate recounting of your description of that night?

Answer. In my capacity as a career Foreign Service Officer, my duty was to assist in the implementation of the President's trip to Cuba. The trip was in support of the Administration's policy to help empower ordinary Cubans to take greater control over their own lives and convey U.S. Government support for the fundamental freedoms and human rights of the Cuban people. We met with a broad array of people, including Cuban civil society actors, human rights defenders, journalists, artists, and entrepreneurs. Each of these actors shared and reinforced concerns, triumphs, grievances, and the grave injustices that the Cuban people have experienced under decades of repression. I also experienced a sense of hope among the Cuban people and those who traveled to Cuba, that the lives of the Cuban people could change for the better.

Question. Do you recall any protesters, or demonstrators that disrupted this glamorous evening with celebrities in old Havana?

Answer. The most meaningful aspect of my discrete role working on Cuba as a career Foreign Service Officer was the honor of meeting with Cuban civil society actors during the President's roundtable conversation with them. It was deeply impactful to hear the concerns, grievances, and the grave injustices that the Cuban people have experienced under decades of repression. If confirmed as U.S. Ambassador to Chile, I will support all U.S. efforts to empower the Cuban people to determine their own future and efforts to hold the regime accountable.

Question. Were you aware that in the three months before March 2016, the Cuban regime had arrested more than 300 dissidents as part of a crackdown on opposition leaders, to ensure a smooth visit for you and President Obama?

Answer. I was aware of the Cuban regime's poor human rights record and its abusive treatment of civil society actors and understood that the U.S. Government policy was one aimed at empowering ordinary Cubans to take greater control over their own lives. I supported the Administration's efforts to increase access to the Internet for Cuban citizens and promote private sector activity, consistent with my support for fundamental freedoms and human rights around the world over the course of my 13-year career as a Foreign Service Officer and non-government work in support of those values.

Question. Were you aware that on March 20, the same day you, President Obama, and the Castros were watching the baseball game, Cuban officials arrested Lazaro Yuri Valle Roca, beat him, and detained him for five days—all because he tried to video a protest on March 20th?

Answer. I am aware of the Cuban regime's poor human rights record and its abusive treatment of civil society actors. I admire the courage and strength of the

Cuban people, who are fighting for access to fundamental freedoms and human rights. I condemn the Cuban regime's repression and human rights abuses. I support the Biden-Harris administration's commitment to promote accountability for Cuban Government officials involved in human rights abuses, and the consideration of all tools to do so.

Question. In response to Chairman Menendez's question during your nominations hearing, you responded that at the time of the visit in 2016, you were a foreign service officer with a duty to carry out the policy of the President. But in 2018, at the time you spoke with Ben Rhodes, you had no obligation to defend or agree with the President's policies. Why, then, did you still speak so glowingly with Ben Rhodes about working with a regime responsible for egregious human rights abuses?

Answer. I greatly admire the spirit, courage, and ingenuity of the Cuban people and the resilience of Cuban culture in the face of decades of repression. I saw my work as a career Foreign Service Officer as supporting efforts to promote greater freedoms so that individuals living in Cuba can realize their potential. During this conversation in 2018, when I still worked for President Obama, I did not have the intention of taking the focus away from the suffering of the Cuban people and the courage they have demonstrated over decades in pushing back against a repressive regime. My admiration is for the Cuban people, not those who oppress them. I firmly believe that the Cuban people are entitled to a stable, prosperous, and free country, and I admire their bravery as they seek access to fundamental freedoms and human rights. I believe that the Cuban regime needs to be held accountable for its systemic oppression of the Cuban people and its malign activities in the region. If confirmed as U.S. Ambassador to Chile, I will support all U.S. efforts to empower the Cuban people to determine their own future and efforts to hold the regime accountable.

Question. In 2010, the U.S. and Chile negotiated a bilateral treaty on income tax. While Chile has ratified the treaty, the Senate has not. This treaty would ensure that American businesses in Chile are not unfairly taxed for income their investments earn there. Do you support ratification of this treaty?

Answer. I support ratification of the bilateral tax treaty. The treaty would reduce withholding tax rates on royalties, dividends, interest payments, and capital gains and avoid double taxation of U.S. companies, which would ultimately ensure that they are not adversely impacted when operating in Chile. Ratification of this treaty would encourage increased U.S. investment into Chile, thus strengthening our bilateral commercial ties to bring additional economic benefits to both countries. At present, U.S. firms in Chile compete against firms from 33 other countries that have tax treaties with Chile, such as the People's Republic of China, Russia, Canada, South Korea, the United Kingdom, and Japan. The treaty also receives widespread support from U.S. businesses that operate in Chile, as its implementation will ensure that U.S. companies are not placed at a disadvantage from double taxation.

Question. If confirmed, how would you work with the new Chilean Government to ensure the treaty is implemented so that American businesses in Chile are treated fairly?

Answer. If confirmed, I will actively communicate with Chilean lawmakers and the Boric administration to identify best practices that will ensure that the Chilean Government fully implements the treaty and that U.S. businesses are treated fairly. To this end, I will engage regularly with the U.S. business community and associations including the American Chamber of Commerce (AmCham), to understand their views, convey their concerns to the Government of Chile, and ensure that implementation of the treaty meets their needs. I will engage with likeminded partners that already have active bilateral tax treaties to understand the best ways to promote full implementation. I will also consult with the Congress to understand the views of their constituents.

* * *

FOLLOW UP QUESTIONS SUBMITTED TO
BERNADETTE M. MEHAN BY SENATOR RUBIO

Question. Thank you for your answers to my questions from March 15, 2022. I appreciate that you now seem to recognize the plight of the Cuban people and that the regime in Cuba needs to be held accountable. Expressing these sentiments is the bare minimum that should be expected of public servants that represent the United States, but they, unfortunately, do not answer my original

questions to you. Therefore, I re-state the question here again: Do you stand by your statements that you felt there was a "sexiness" and a "sultry mystery" to Cuba's history?

- At the time of the President's visit to Havana in 2016, were you aware that the regime had arrested, beaten and detained Lazaro Yuri Valle Roca?

Answer. The quotes referenced were part of a response to a question in 2018 about "why Cuba occupies an outsized role in the world and Americans' imagination" and spoke to part of the long and extensive history of Cuba. My response was not meant to reflect my personal view. As part of the same question in 2018, when asked what was most important to me personally about my discrete role working on the President's trip to Cuba, I spoke about my admiration for the Cuban-American community and the Cuban people. Today, for the record, I reaffirm that the quotes referenced do not reflect my personal view. My admiration is for the Cuban people and their courageous history seeking access to fundamental freedoms and human rights. It was not my intention in 2018 to suggest otherwise.

As a career Foreign Service Officer, my role was to assist in the organization of the President's trip to Cuba. At the time of the President's visit to Havana in 2016, I was not personally aware of the case of Lazaro Yuri Valle Roca or its details.

Question. In response to one of my questions, you said that you were "aware of the Cuban regime's poor human rights record and its abusive treatment of civil society actors" at the time of President Obama's trip to 2016. In 2018, why did you describe Cuban history as having "sexiness" or "sultry mystery" in this way when speaking with Ben Rhodes?

Answer. The quotes referenced were part of a response to a question in 2018 about "why Cuba occupies an outsized role in the world and Americans' imagination" and spoke to part of the long and extensive history of Cuba. My response was not meant to reflect my personal view. As part of the same question, when asked what was most important to me about my limited role working on the President's trip to Cuba, I spoke about my admiration for the Cuban-American community and the Cuban people. The Cuban regime's record on human rights is reprehensible. I care deeply about the plight of the Cuban people, and it was not my intention to express otherwise. If confirmed as U.S. Ambassador to Chile, I will work tirelessly to advance U.S. policy to help the people of Cuba and advance their human rights by partnering with the Government of Chile, and if confirmed, I would welcome the opportunity to consult with you on how we might encourage the Chileans to take a more active role in this effort.

Question. Even though you were aware of the regime's appalling human rights record and the decades of suffering experienced by the Cuban people and Cuban American community, why then, when asked by Rhodes to sum up your experience working on Cuba, did you answer "I can hold my rum?"

Answer. Throughout that 2018 conversation, I spoke of my admiration for the Cuban-American community and the Cuban people and the work I did as a career Foreign Service Officer to assist in the implementation of the President's trip to Cuba. I discussed the broad array of people we met with on the trip, including Cuban civil society actors, human rights defenders, journalists, artists, and entrepreneurs. It was a broad-ranging, informal conversation and taken in its totality, emphasized my respect for the Cuban people and their efforts to seek access to fundamental freedoms and human rights, and how the trip supported the Administration's policy to help empower ordinary Cubans to take greater control of their lives and convey U.S. Government support for the fundamental freedoms and human rights of the Cuban people. It was not my intention to take away from the focus that should be on the suffering of the Cuban people. If confirmed as U.S. Ambassador to Chile, I will support all U.S. efforts to empower the Cuban people to determine their own future, and efforts to hold the regime accountable.

Question. Thank you for your responses in support of implementing the bilateral tax treaty in Chile. As you know, Chile is still in the midst of a historic constitutional convention, which may undo decades of progress in Chile. What is your view of the constitutional convention process in Chile?

- If confirmed, how would you work with the Convention to support its work so that it results in a constitution responsive to the desires of the Chilean people and in the best interests of Chile and the United States?

Answer. The Constitutional Convention is a sovereign, democratic process that allows the people of Chile to weigh in on the future path that their country will take. Chile continues to serve as a model for the Western Hemisphere as its people channel their social, economic, and political demands into a peaceful, democratic, and transparent process. If confirmed, I will convey respect for the Chilean people's right to determine the nature of their constitution and express faith in the Chilean people's dedication to democratic principles, including good governance, human rights, and a continued business climate based on respect for free trade, transparency, and rule of law. If confirmed, I would offer U.S. support to government and civil society organizations and promote exchanges between U.S. and Chilean constitutional experts so that Chile can the benefit of our experience with our own constitutional model, as Chileans seek to enhance and consolidate the impressive democratic and economic advances Chile has made over the past three decades. If the new constitution is approved, I will ensure that it is clear to the Chilean public and government that the United States will continue to deepen our strong bilateral cooperation as Chile moves forward under its new constitution.

Question. Last year, the Chilean Congress drafted a bill mandating that Chile formally institute a boycott, divestment and sanctions (BDS) policy against the Jewish state of Israel. Fortunately, that measure did not progress through the Congress. Do you support BDS policies? If confirmed, what would you do in response to future actions by the Chilean Government to institute this policy of hate against Israel?

Answer. The Biden-Harris administration and I firmly reject the Boycott, Divestment, and Sanctions (BDS) movement and associated policies, which unfairly single out Israel. If confirmed, I will build on previous efforts by Embassy Santiago to actively engage with Chilean lawmakers and the Boric administration to convey the United States' firm opposition to the boycott movement worldwide and the BDS legislation that currently sits in the Chilean Chamber of Deputies, as well as any efforts to delegitimize or discriminate against Israel. While the bill does not explicitly mention Israel, many of the bill's supporters have made clear that their goal is to implement BDS restrictions on all Chile-Israel trade. If confirmed, I will also engage relevant community members, businesses, and embassies from like-minded countries to speak out publicly against BDS legislation and the BDS movement.

Question. In your opinion, how would a new constitution in Chile support or obstruct future policies similar to the 2021 BDS bills?

Answer. It is not yet clear whether the new constitution currently being drafted in Chile will support or obstruct future policies similar to the 2021 Boycott, Divestment, and Sanctions (BDS) bill. Embassy Santiago has been actively engaging with Chilean lawmakers and the Boric administration to convey the United States' firm opposition to the boycott movement worldwide. If confirmed, I will build on this engagement, including with other relevant stakeholders, to oppose BDS legislation. Additionally, my public comments will make clear the United States' firm opposition to the BDS movement and any other policies that unfairly single out Israel and I will underscore that BDS legislation is counterproductive and runs contrary to values of free trade and non-discrimination that are shared values for both the United States and Chile.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO BERNADETTE M. MEEHAN BY SENATOR TODD YOUNG

Question. How do you view the current status and future of the U.S.-Chile trade and investment relationship in the context of growing Chinese engagement and the pending new constitution?

Answer. The United States continues to lead in new foreign direct investment into Chile and ranks second, behind the People's Republic of China (PRC), in terms of overall trade. I believe there is an opportunity to deepen our commercial relationship with Chile and collaborate on sharing and implementing best practices in trade and investment, including advocating for steps Chile can take to establish a robust investment screening mechanism. Unlike the PRC, the United States upholds high

standards for labor rights, environmental policies, and privacy standards when pursuing investment opportunities. Chile's strong institutions, free trade, and commitment to the rule of law serve as opportunities to expand our bilateral relationship. The new Boric administration stresses that it supports increased, "responsible," investment, and, if confirmed, I plan to engage with the Boric administration and the business community to find additional trade and investment opportunities that exemplify U.S. best practices. It is not yet clear how the new constitution currently being drafted in Chile will impact trade and investment opportunities, but my engagement with the Boric administration will prioritize the need to ensure the safeguarding of both U.S. and Chilean business interests.

Question. What is your perspective on the pending U.S.-Chile bilateral tax treaty and its impact on U.S. businesses in Chile?

Answer. I understand the bilateral tax treaty would put U.S. businesses in a far more advantageous position when pursuing investment opportunities in Chile. The treaty would reduce withholding tax rates on royalties, dividends, interest payments, and capital gains and avoid double taxation of U.S. companies. The lack of a bilateral tax treaty puts U.S. companies in Chile at a disadvantage against their competitors. U.S. firms in Chile compete against firms from 33 other countries that have a bilateral tax treaty with Chile, such as China, Russia, Canada, South Korea, the United Kingdom, and Japan. Both U.S. and Chilean companies, including members of AmCham Chile, urge the ratification and enactment of the tax treaty.

Question. To ensure that the tax treaty is in line with the Base Erosion and Anti-Abuse Tax (BEAT) enacted as part of the Tax Cut and Jobs Act, the U.S. Department of Treasury has indicated the Chilean Government needs to approve reservation language clarifying how the tax treaty interacts with BEAT. In your opinion, how will the Government of Chile respond to this reservation language?

Answer. President Boric has not yet publicly stated his views on the tax treaty or reservation language. Given that this treaty was ratified by the Chilean congress in 2014, I expect that among the new Congress that took office on March 11, there will be some support among its members to approve a U.S. Senate reservation. Boric's administration advocates for tax reforms, including increases in mining royalty fees, that seek to increase state revenue. If confirmed, I will engage with Chilean lawmakers and the Boric administration to underscore the fact that increased private sector cooperation between the United States and Chile will not only bring additional economic benefits to both countries, but also a number of social and environmental benefits, such as improved labor laws, privacy protections, technology sharing, and high environmental protection standards.

Question. What challenges do you expect approval of the reservation language will face with the Chilean Congress and administration? What efforts will you undertake to overcome those concerns and challenges?

Answer. No coalition has a majority in the new session of the Chilean Congress, which began on March 11. This could translate to challenges in reaching the necessary votes to approve reservation language. If confirmed, I plan to engage Chilean lawmakers and the Boric administration to highlight that the benefits brought to both the United States and Chile are innumerable, since implementing the bilateral tax treaty will allow for deeper economic cooperation between our two countries. I will continue to highlight the benefits of U.S. investment and make the case that U.S. investment falls in line with Boric's goals of increased, "responsible" foreign investment in Chile, especially when compared to other investment partners, like the People's Republic of China.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO BERNADETTE M. MEEHAN BY SENATOR BILL HAGERTY

Question. As you know, the committee on Foreign Investment in the United States (CFIUS) plays a critical role in reviewing the national security implications of foreign investments in the United States. As I understand it, Chile has not established its own approach to effective foreign investment screening, even though China, which engages in malign economic influence, has its eyes on Chile and Southern Cone countries with respect to lithium and other critical minerals, and other critically important sectors.

- If you are confirmed, do you commit to working with the U.S. Department of the Treasury to increase engagement with Government of Chile in order to edu-

cate Chile about the CFIUS process of the United States and persuade Chile to establish its own effective investment screening mechanism?

Answer. If confirmed, I will find additional opportunities to brief the Chilean Government on best practices for investment screening, drawing on the U.S. CFIUS process, and building upon ongoing efforts from both the Departments of State and the Treasury to provide information on this issue. I will engage early on with the Boric administration to arrange briefings and engagements that would be most useful to encourage best practices that support Chilean and U.S. national security. I will also continue to engage with the American Chamber of Commerce (AmCham) Chile and other business associations to understand and advocate for steps Chile can take to establish a robust investment screening mechanism. In tandem with these efforts, I will ask the Embassy team to ensure that we amplify through media and speaking engagements our efforts and collaboration with Chile, with an emphasis on the shared values between the United States and Chile and the advantages of doing business with U.S. companies.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO DR. JOHN N. NKENGASONG BY SENATOR ROBERT MENENDEZ

Question. PEPFAR is the signature global health program of the United States, with a large budget administered by a complex organization that includes staff from multiple agencies, foreign service officers stationed abroad, contractors, and local implementing partners.

- What are the main challenges to effective coordination between S/GAC HQ and other elements of the PEPFAR organization?

Answer. As an alumnus of PEPFAR, I've worked with all the U.S Government implementing agencies and many of the partners, and I have witnessed the remarkable focus on mission among PEPFAR teams and implementers. I've experienced a model that enables discussion and debate and a chance to recommend a course of action to the coordinator. We all share the goal of saving millions of lives and providing services utilizing expertise from all U.S. Government agencies. If confirmed, I hope to continue to inspire that level of cooperation and focus for our common goals while continuing to seek ways for improved coordination.

Question. How will you address staffing shortages across PEPFAR, if confirmed?

Answer. High vacancy rates are a major challenge across the U.S. Government, including PEPFAR. If confirmed, it will be my priority to ensure that PEPFAR staffing vacancies are addressed, and we are meeting the needs of PEPFAR staff here at home and in all our Embassies around the world. The staff must see themselves valued, respected, and treated well. We must offer a workplace that appeals to the workforce of today. I intend to lead with respect and appreciation for staff, and to learn from the experience of the past 18 months working through the COVID–19 pandemic. I will also continue the efforts within the Department of State to promote diversity, equity and inclusion in hiring practices and promotions.

Question. Will you commit to fully and proactively cooperating with the PEPFAR Effectiveness and Efficiency Review being conducted by the Government Accountability Office if confirmed?

Answer. Yes.

Question. Beginning in April 2018, PEPFAR began pursuing the goal of channeling 70 percent of its funding to local partners. This policy was the subject of an audit by USAID's Office of Inspector General, published December 13, 2021.

- What analysis informed the decision to channel 70 percent of funds through partners funding? Do you agree that 70 percent is the right number?

Answer. In response to countries' desire for expanded independence, PEPFAR further embedded sustainability and domestic financing elements into its work. To achieve and sustain epidemic control, HIV services must be owned and operated by local actors. Thus, the bold, but achievable goal of having 70 percent of PEPFAR resources by agency channeled through local organizations, took root. These organizations understand the local context and needs of PEPFAR beneficiaries and have complemented international efforts to strengthen local capabilities. If confirmed, I will fully review the results of the effort thus far, and the audit, and continue to work with Congress and implementing agencies to fully realize the recommendations of the report.

Question. What are the main challenges related to increasing local partner funding?

Answer. PEPFAR is not a replacement for partner government responsibility. Partner countries must also invest sufficient domestic financing for HIV programs and ensure an enabling policy environment for their effective and efficient allocation. Many partner governments have increased their investment in their respective HIV response over time. However, several cannot, and this has been compounded recently by COVID–19. If confirmed, I will support efforts to promote self-reliance by developing more efficient models of service delivery and strengthening technical, managerial and financial capacity for local stakeholders to maintain key services, systems and resources stewarded by local institutions.

Question. Do you commit to implementing the recommendations of the USAID OIG audit?

Answer. If confirmed, I will commit to a fair and open evaluation of the recommendations of the USAID OIG and work to realize its full potential across PEPFAR programs and processes.

Question. As many countries approach epidemic control, how should PEPFAR adjust its mission to cement those gains and, as appropriate, wind down operations?

Answer. PEPFAR has a duty to ensure high-quality prevention and treatment services throughout every stage of program evolution. As countries reach sustained control of HIV, we must ensure there is an enabling policy and programmatic environment for addressing key populations, underserved populations and other structural barriers to an effective and sustainable HIV/AIDS response. PEPFAR must work to identify areas where increased local financing and management responsibilities can occur. If confirmed, I look forward to working with partner governments, civil society, and multilateral organizations to create a shared and gradual sustainability pathway that is ambitious and resilient in the face of future threats.

Question. Will you commit, if confirmed, to ensuring that you fully brief me and/or my staff as requested during your tenure as PEPFAR Coordinator?

Answer. Yes.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO DR. JOHN N. NKENGASONG BY SENATOR JAMES E. RISCH

Question. If confirmed, will you commit to working in a bipartisan manner with the Senate Foreign Relations Committee, including by providing timely, accurate, and complete information on relevant U.S. global health strategies, initiatives, and funding?

Answer. Yes, and if confirmed, I commit to working with Congress on these matters.

Question. A recent report by the Center for International Private Enterprise (CIPE) Anti-Corruption and Governance Center suggests that an estimated seven percent of global spending on public health is lost to waste, fraud, and abuse. The United States is, by far, the single most generous donor of global health assistance. If confirmed, will you commit to upholding a zero-tolerance policy for waste, fraud, and abuse in the programs under your purview?

Answer. Yes.

Question. If confirmed, will you also uphold a zero-tolerance policy for all PEPFAR-supported staff and implementing partners who engage in the sexual exploitation and abuse of the vulnerable communities they are meant to serve?

Answer. Yes. This will be a priority for PEPFAR.

Question. It took the Biden administration nearly a year to nominate someone to fill this vital position. Despite the commitment and best efforts of career staff within the Office of the Global AIDS Coordinator and Health Diplomacy (S/GAC), and compounded by the COVID–19 pandemic, the lack of full-time, Senate-confirmed leadership appears to have taken a toll. What is your understanding of morale within S/GAC and how, if necessary, do you intend to improve it?

Answer. A successful Mission must begin with the people who make it happen. The staff must see themselves valued, respected, and treated well. I intend to lead with respect and appreciation for staff, and to learn from the experience of the past 18 months working through the COVID–19 pandemic. If confirmed, it will be my

priority to ensure that we are meeting the needs of PEPFAR staff here at home and in all our Missions around the world.

Question. How do you intend to create a unified Mission and vision across the PEPFAR program while holding implementing agencies and partners accountable for transparency and results?

Answer. As an alumnus of PEPFAR, I've worked with all of the U.S Government implementing agencies and many of the partners, and I have witnessed the remarkable focus on Mission among PEPFAR teams and implementers. I know that we all share the same goal of saving as many lives as possible from HIV/AIDS. If we continue sharing this goal, we will continue to be a highly successful program. If confirmed, I hope to continue to inspire that level of cooperation and focus for our common goals.

Question. How would you describe your management style?

Answer. I have mentioned before that respectful partnership will govern my approach if I am confirmed. Before I ask it of others, I live it myself first. My staff would describe me as easy-going and flexible. I like to be prepared and I listen well.

Question. In your view, how would your management style translate to PEPFAR, where your workforce and implementing partners are composed of a dizzying array of career foreign and civil servants, political appointees, Foreign Service Limited appointments, Participating Agency Service Agreements, foreign governments, international organizations, contractors, and grantees, often with competing priorities and interests?

Answer. If confirmed, I look forward to drawing upon the expertise that exists among all PEPFAR's U.S Government implementing agencies. We all share the goal of saving millions of lives and providing services that require expertise from across the U.S. Government—whether it's USAID's experience with supply chain management, CDC's experience with laboratory programs, DOD's experience with peer-to-peer military programs, or Peace Corps' experience with community-based initiatives. All of us bring something different to the table and as a result, we have made lasting impact. What I've experienced is a model that enables discussion and debate and a chance to recommend a course of action to the Coordinator.

Question. The success of PEPFAR largely can be attributed to S/GAC's commitment to aggressively pursuing prevention and treatment goals, improving targeting, measuring impact, and holding partners accountable for outcomes. PEPFAR's Populations Based HIV Impact Assessments (PHIAs) have served as a particularly useful tool for identifying gaps and measuring impact on incidence, and will be even more critical in the context of COVID–19. If confirmed, will you commit to submitting to Congress the PHIAs planned for FY 2022 through FY 2024, in addition to Country Operating Plans (COPs) and required Congressional Notifications?

Answer. Yes, and if confirmed, I commit to working with Congress on these matters.

Revised Response (Received April 2, 2022)

Answer. Yes.

Question. USAID and CDC have a long history of stretching the boundaries when it comes to permissible uses of PEPFAR funds, including: using PEPFAR funds to finance the construction of schools in Malawi despite the availability of education funds earmarked by appropriators annually for this purpose; using PEPFAR funds statutorily set aside to support children who have been made vulnerable by HIV/AIDS for activities with no discernable connection to HIV/AIDS; and by using PEFPAR funds to support salaries for implementing agency staff who are only nominally focused on combatting HIV/AIDS. If confirmed, will you commit to ensuring all U.S. Government-supported efforts to combat HIV/AIDS globally are efficient, effective, aligned, and complementary to the work of S/GAC?

Answer. Yes.

Question. Will you work to ensure that implementing agencies and partners, including USAID and CDC, meaningfully contribute to, but also strictly adhere to, PEPFAR's Country Operating Plan (COP) process?

Answer. Yes.

Question. In addition to directly enabling the provision of life-saving treatment for nearly 19 million people and averting 2.8 million newborn infections, PEPFAR support for public health infrastructure and personnel has contributed to stronger health systems and reductions in all-cause mortality in its focus countries. The

"PEPFAR effect" on health systems has never been more evident than in the response to the COVID–19 pandemic. Congress repeatedly has made clear the intent to transition PEPFAR from an emergency response to enduring country-led programs.

• As we approach the 20-year anniversary of PEPFAR, what comes next?

Answer. If confirmed, I will work collaboratively with countries, and with my counterparts in the diplomatic corps and development community, to identify ways we can continue to expand long-term country responsibility on sustaining HIV impact while also closing gaps that exist for PEPFAR-supported beneficiaries. In consultation with Congress, it will also be important explore how PEPFAR's model and platforms can be further maximized to efficiently and effectively deliver on preparedness and response to other health threats as COVID–19 has shown the urgency of doing so. Doing so without compromising the HIV/AIDS program would require additional resources and legislative support, including in its reauthorization.

Question. Given the negative impact the COVID–19 pandemic has had on efforts to combat HIV/AIDS, tuberculosis, and malaria globally, when, if ever, would be an appropriate transition point for focus countries?

Answer. PEPFAR has a duty to ensure that the people receiving prevention and treatment are served high-quality services throughout any change. Many PEPFAR supported countries are not currently able to wholly finance the HIV response, in many cases compounded by COVID–19. Decreases to a country program's funding program must happen with considerable planning from both PEPFAR and our partners at the local and multilateral levels. PEPFAR continues to ensure that the program transitions to local ownership, ever expanding independence of local actors. PEPFAR is not a replacement for partner government responsibility and must work to identify areas where increased financing and management responsibilities can occur.

Question. In July, the Senate Foreign Relations Committee passed S. 2297, the International Pandemic Preparedness and COVID–19 Response Act, with overwhelming bipartisan support. Many aspects of this legislation were built upon the foundation of PEPFAR, including its authorization for a Special Representative for Global Health Security at the Department of State. Do you agree with the legislation's basic premise that U.S. global health security and diplomacy are inextricably linked, and that enhanced leadership by the Department of State will be required to advance an effective U.S. global health security and diplomacy strategy overseas?

Answer. Global health security is inextricably linked to U.S. foreign policy and national security goals. If confirmed, I commit to working with you and others to leverage the strengths of PEPFAR and ensure that the State Department is best positioned to most effectively address current and future global health challenges. I look forward to working with the State Department, including the Bureau of Oceans, International Environmental, and Scientific Affairs (OES), Coordinator for COVID–19 Response and Health Security (CRHS), and Office of Foreign Assistance (F) to ensure that the health diplomacy, and global health security and pandemic preparedness efforts of the State Department are fully realized.

Question. Do you agree that PEPFAR could serve as an effective model for enhancing U.S. global health security and pandemic preparedness more broadly?

Answer. With the bipartisan support of Congress, PEPFAR rapidly mobilized an unprecedented and impactful response to the global AIDS epidemic. I believe PEPFAR has been one of the most successful foreign assistance efforts of its kind because of its focus on results, on science, the ability to bring the whole of U.S. Government to bear with strong accountability mechanisms, and the high-level political support it enjoys from all of you, as well as support across the State Department and broader interagency. I look forward to leveraging PEPFAR as one of the U.S. Government's tools to enhance. global health security and pandemic preparedness broadly.

Question. Successive administrations—both Democrat and Republican—have launched initiatives to "localize" U.S. foreign assistance, including by building the capacity of local partners to design programs and manage U.S. funds directly, rather than working as sub-awardees to large, U.S.-based development contractors and non-governmental organizations. In 2018, S/GAC established a 70 percent localization target. There has, however, been confusion about how "localization" is defined and measured across the implementing agencies, and how oversight of local partners should be conducted. According to a December 13, 2021, report by the USAID Office of the Inspector General, USAID was not on target to meet the ambitious PEPFAR goal. If confirmed, will you commit to working with Congress to establish

a formalized definition and plan for "localization," to include support for partner government investment strategies and direct funding for both local faith- and community-based organizations?

Answer. Yes, and if confirmed, I commit to working with Congress on this matter.

Question. In your testimony, you spoke of the need to "act collectively to support the capabilities of local leaders and regional institutions and work in respectful partnership and accountability with them." Do you agree that as the head of PEPFAR, your first responsibility would be to advance the global health interests of the United States?

Answer. Yes, PEPFAR's success would not be possible without the generosity of the American taxpayer and if confirmed, America's global health interests will be my foremost concern as the head of PEPFAR. We should continue to think about how PEPFAR can be leveraged to build the future health system needed to combat new health threats.

Question. Do you agree that "accountability" under the PEFPAR program must include accountability of partners (including partner governments, regional institutions, and local organizations) to uphold commitments and deliver measurable results?

Answer. Yes.

Question. Do you agree that "accountability" under the PEFPAR program must also include accountability of partners (including partner governments, regional institutions, and local organizations) to the American taxpayer?

Answer. Yes.

Question. There has been strong focus over the past 14 months on multilateral institutions to address global health challenges, including but not limited to the U.S. international response to the COVID–19 pandemic. Recognizing that multilateral and bilateral programs work collaboratively, and that each have their own unique strengths and challenges, what would you consider to be the appropriate balance between multilateral and U.S. bilateral assistance to combat HIV/AIDS and to address emerging global health security challenges?

Answer. Our multilateral and bilateral investments are mutually beneficial in leveraging resources and increasing access to quality health care services, and represent a balanced approach to maximize programmatic impact. At a time when our biggest global challenges defy national boundaries—from pandemics to climate change—the importance of multilateral organizations is only heightened. The administration has expressed repeatedly that when we are absent from the table, we cannot ensure the reforms needed to ensure the full effectiveness of these institutions. PEPFAR must continue to strengthen its bilateral relationships with partner countries and leverage the collective strength of multilaterals in combatting global health challenges.

Question. It is notable that PEPFAR has managed to expand services despite a flat budget since 2009. It also is notable that the Biden administration has signaled its intent to increase contributions to the Global Fund to Fight AIDS, Tuberculosis and Malaria (the Global Fund). It would be difficult to justify this increase, particularly if coupled with a flat or declining bilateral PEPFAR budget, absent a clear strategy to shift responsibility for purchasing HIV/AIDS commodities to the Global Fund. If confirmed, will you commit to improving coordination and collaboration with the Global Fund in a manner that shifts greater responsibility to the Fund (or the partner countries themselves) for testing and treatment commodities, while bilateral PEPFAR funds are prioritized for creating an enabling environment for efficient and effective service delivery?

Answer. Yes, and if confirmed, I commit to working with Congress on these matters.

Question. The American Rescue Plan (ARP) provided the Secretary of State with $3.75 billion "to prevent, prepare for, and respond to coronavirus," including through a $3.5 billion contribution to the Global Fund. Though there was virtually no consultation on the authorizing language, the authors reportedly intended for this assistance to be used to leverage existing PEPFAR/Global Fund platforms and protect against backsliding. If confirmed, will you commit to ensuring that funds made available through the American Rescue Plan (ARP) for the international COVID–19 response are carefully aligned with and complementary to PEPFAR whenever and wherever applicable, including by ensuring that PEPFAR platforms

are effectively leveraged (rather than duplicated) and that implementing agencies and partners are held accountable for measurable results?

Answer. Yes, and if confirmed, I commit to working with Congress on this matter.

Question. Within the Access to COVID–19 Tools (Act) Accelerator, the Global Fund's COVID–19 Response Mechanism is responsible for the diagnostics and health systems strengthening pillars. The United States has committed $3.5 billion to the Global Fund for this purpose. What is your assessment of the Global Fund's performance to date? What is the Global Fund getting right, and what would you do differently?

Answer. I understand that the increased financial contributions from the U.S. have created a stronger and better functioning Global Fund, enabling more impactful U.S. bilateral programs across the three diseases and allowing the United States to continue to tackle HIV/AIDS on a truly global scale. Our multilateral and bilateral investments are mutually beneficial; they leverage resources and represent a balanced approach to maximize impact. The USG works closely with the Global Fund to provide complementary, not duplicative services, and work such as strengthening the Global Fund's internal oversight systems, program coordination, and creating efficiencies between Global Fund and U.S. investments are all routine practices now.

Revised Response (Received April 2, 2022)

Answer. The Global Fund helped form the consortium of key multilateral agencies that came together in April 2020 to combine assets to respond to the COVID–19 emergency and enhance coordination and collaboration. The $3.5 billion commitment from the United States made it the largest provider of support to LMICS across the three ACT A pillars (Diagnostics, Health Systems, and Treatment). They have brought assets and services to countries in desperate need, leveraging their sourcing and procurement expertise, and have done it well while staying in their lane. They have excelled in bringing new products, suppliers, and manufacturers to the arena with due diligence, safely and quickly procuring products in a very complex supply chain.

Question. Are you concerned by the Global Fund's aggressive push to take on broader health systems strengthening, rather than remain focused on the three diseases it was created to combat?

Answer. I believe that PEPFAR has had to be deliberate to not dilute its responsibilities to deliver on HIV. The Global Fund has faced similar pressures for HIV, TB, and malaria. However, COVID–19 must be addressed for each institutions' mandate to get back on track. PEPFAR has worked with governments and communities to address a plethora of COVID–19-related health challenges, and to strengthen primary, secondary, and tertiary service provision platforms. This work has demonstrated that health system investments by PEPFAR and the Global Fund, within their current mandates, have contributed to the broader COVID–19 response effort.

Revised Response (Received April 2, 2022)

Answer. I believe that the Global Fund's focus on the three diseases of HIV/AIDS, tuberculosis, and malaria has been on point and remains critical to finish the job the Global Fund was created to do. With the negative impacts on these diseases due to COVID–19, a focus on the countries that are at risk of AIDS, tuberculosis, and malaria is now even more necessary to save lives. While the Global Fund's disease-focused efforts have strengthened critical health systems capacities, expanding to broader efforts could dilute its focus. Consequently, the Global Fund should not expand to countries and areas that are not at risk of AIDS, tuberculosis, and malaria.

Question. Public health experts consistently are learning more about COVID19, including who is at greatest risk for severe disease and who should be prioritized for vaccination and treatment. This includes the 18 million HIV positive individuals receiving antiretroviral treatment (ART) through PEPFAR. If confirmed, what measures would you propose to take to ensure 100 percent vaccination coverage for individuals on PEPFAR-supported ART?

Answer. People living with HIV are at higher risk for severe COVID–19 and vaccination is recommended by both U.S. CDC and prevention and WHO guidelines. If confirmed, I will work to ensure that all PLHIV on PEPFAR-supported ART are prioritized for COVID vaccination. PEPFAR has demonstrated with American Rescue Plan Funds that vaccine uptake among PLHIV is efficient and effective by reaching PEPFAR beneficiaries through existing service delivery platforms. Current PEPFAR-supported infrastructure and health systems (e.g. supply chain manage-

ment, health information systems, and human resources) could be leveraged quickly to support countries in COVID–19 vaccination, planning and administration.

Question. Should the United States engage in highly risky public health research—such as gain-of-function or other life sciences research that poses dual-use concerns—in cooperation with countries that do not have adequate biosecurity standards, that have violated or failed to uphold the International Health Regulations, or where the United States cannot certify that such country is in compliance with the Biological Weapons Convention?

Answer. No.

Question. If confirmed, will you ensure PEPFAR-supported research and development grants and contracts are fully vetted and do not flow to partners, including through sub-awards, engaged in such research, particularly in countries with lax biosecurity standards?

Answer. Yes.

Question. If confirmed, how would you enhance S/GAC's monitoring and evaluation of sub-awards related to life sciences research?

Answer. Monitoring and evaluation (M&E) is an essential function for S/GAC and PEPFAR U.S. Government implementing agencies. To executive M&E well requires knowledge in project planning, data collection, making data usable, and using data for decision-making. If confirmed, I would work to further strengthen S/GAC human resources with technical skills and tools required to ensure effective monitoring and to manage evaluations funded through prime and sub-awards related to life sciences research and implement quality HIV programs.

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

Answer. Yes.

Question. Do you recognize the fungibility of U.S. foreign assistance? If confirmed, will you commit to ensuring that U.S. foreign assistance does not enable implementing partners to perform or promote abortion as a method of family planning, perform involuntary sterilizations, or lobby for or against the legalization of abortion?

Answer. If confirmed, I commit to continuing to ensure compliance with current policy regarding U.S. foreign assistance

Question. China has used the COVID–19 pandemic to advance its relations with other countries through vaccine diplomacy. As of May 2021, China has exported more than 250 million vaccine doses (about 42 percent of its total production). Many of these doses were sold, not donated, and yet Chinese public media messaging around the vaccine deliveries have laid the groundwork for the Chinese Government to broaden engagement with key countries. How can we counter misleading narratives around China's vaccine diplomacy? In your previous role, did you work to counter such narratives? If so, how?

Answer. If confirmed, I will work tirelessly to ensure that the US continues to be recognized for its extraordinary leadership in mitigating covid including the provision of vaccines globally with no strings attached. At Africa CDC my focus was on expanding vaccine accessibility and once secured, getting shots into arms by creating rapid response teams who sought to provide technical assistance to countries so vaccines would be well utilized.

Revised Response (Received April 2, 2022)

Answer. The United States must counter the PRC's misleading narratives everywhere they emerge. In my previous role, I worked to counter these by publicly acknowledging U.S. efforts and raising the profile of the U.S. for being the largest contributor of vaccines, while also privately working diplomatically to dispel misinformation amongst AU Member States. If confirmed, I will work tirelessly to ensure that the United States continues to be recognized for its extraordinary leadership in mitigating COVID–19, including through the provision of safe and effective vaccines globally at no cost and with no political strings attached.

Question. What can PEPFAR do to better promote the programming and support the U.S. provides in terms of global health, particularly in areas where China is expanding its own aid footprint?

Answer. PEPFAR was extraordinarily helpful in Africa when COVID appeared. I witnessed this firsthand. The investments for HIV and HIV/TB were in place, and were utilized to offer test, treat, and vaccination services for COVID. PEPFAR staff across multiple disciplines at U.S. Embassies across the continent where the technical collaborators to offer surveillance, infection control and other innovations to counter the new pandemic. Many of the HIV investments that PEPFAR has made in lab, surveillance, HRH, supply chain, etc., were utilized. We can do more to be responsive—when we provide vaccines, we must also provide the supplies to get them into arms, as well as other critical medical products

Revised Response (Received April 2, 2022)

Answer. PEPFAR is among the United States' most powerful diplomatic and programmatic tools and exemplifies its technical prowess, trusted relationships, and enduring efforts to save lives across the globe. The PRC's approach has been to hide funding arrangements with countries when investing in things that are visible—infrastructure projects, for example. Conversely, PEPFAR should be more outspoken about its tremendous investment, its very visible impact on HIV for the citizens of the countries, and the health systems that have been strengthened through this outcome-focused effort that has also helped respond to COVID–19 and other health threats.

Question. In March 2021, you said in an interview to Chinese state-owned Xinhua that you would welcome Chinese vaccines and appreciate China's health efforts in Africa. Do you still stand by this statement? What would you consider the successes and failures of Chinese health engagement with Africa throughout the pandemic?

Answer. In my role as CDC Africa Director, at that time the countries were not on anyone's radar for vaccines and the appeal was made everywhere, including to China. Chinese engagement was practical and responsive to what countries asked for. Actions such as offering vaccines without transparency on efficacy data were barriers to overcome.

Revised Response (Received April 2, 2022)

Answer. As Director of the Africa CDC, an agency of the African Union, it was my role to confront this threat to the lives of over a billion people, and I was supporting a global appeal to make safe and effective, WHO EUL-approved vaccines available to African countries. The PRC engaged countries on a bilateral basis, which was outside the scope of the Director's authority, and Africa CDC had no role in countries' decisions regarding which vaccines to administer to their populations. If confirmed, I will continue to push for equitable access to safe and effective COVID–19 vaccines globally with no political strings attached.

Question. What lessons can the African continent learn about the risks of engaging with the Chinese on health issues?

Answer. One valuable lesson is to be science-based and look thoroughly and apolitically at the incentive structure of the partnership being offered. Valuing full and transparent relationships is better in the long-term.

Revised Response (Received April 2, 2022)

Answer. The United States seeks a science-based approach and looks thoroughly at the incentive structure of any partnership being offered. We require full and transparent relationships that remain in our interests and that of our partners. We must vigilantly uphold the principles of transparency and data accuracy throughout these engagements. As Director of the Africa CDC, I have ensured that collaboration with the PRC is guided by Africa CDC's five-year strategic plan and not determined or influenced by the PRC's offers for input.

Question. China has shown us, time and time again, that it is not a reliable partner in global health. At the beginning of the COVID–19 pandemic, it suppressed vital information about the spread of the virus, impeded global research into the virus, and spread disinformation about its origins. China also engaged in early-pandemic stockpiling of key PPE, and later profited off of selling this PPE and its vaccines. To this day, it refuses to cooperate fully with global health organizations and spreads disinformation about the nature of the virus. Do you think there is still an opportunity to work with China on global health, given its unreliability and lack of transparency? Why or why not? Please be specific.

Answer. We welcome the PRC's cooperation on issues such as climate change, global health security, arms control, and nonproliferation-all issues that threaten the entire world and require everyone to do their part. The United States is committed to building back better global health security to mitigate future pandemics

and other biological threats—emphasizing that all nations need increased capacity now. Countries and institutions must hold themselves accountable, fulfilling the commitments we've all made and surging resources required to end this pandemic by vaccinating the world, saving lives now, and building back better.

Revised Response (Received April 2, 2022)

Answer. The Department of State has noted transnational issues for cooperation with the PRC where our interests align, including global health security. Health diplomacy has been an effective tool of soft power. Cooperation between the U.S. CDC and China CDC as a public health goal to prevent, detect, respond to, and contain future health threats must be weighed with the risks associated with the lack of reliable data and lack of transparency. Our continuous engagement with the PRC could place additional pressure on the PRC to improve transparency.

Question. Under your tenure, the African CDC headquarters building was contracted to be built by the China Civil Engineering Construction Corporation, one of the largest Chinese state-owned enterprises for construction and a key player in China's One Belt, One Road initiative. This contract was concluded after reports came out in 2018 that the Chinese state-owned enterprise-built African Union headquarters had been bugged by the Chinese Government and that the building was wired to transfer sensitive AU data back to China. What was the impetus for allowing yet another Chinese state-owned enterprise construct a key headquarter building after there had been clear evidence that previous Chinese construction was built with bugs?

Answer. Africa CDC, as an agency of the African Union, identifies areas of need including infrastructure development. Responsibility on fulfilling development plans sit within the African Union leadership processes and protocols.

Revised Response (Received April 2, 2022)

Answer. The decision to contract PRC-backed enterprises to construct the Africa CDC's headquarters predated my arrival as the head of the agency in January 2016. It was an agreement made by the African Union Commission, and a political decision several levels above me. The AU established a technical working group to ensure that the construction was carried out according to international norms and standards, and it took almost two years from the first meeting in May 2017 to agree on the format of the building, as we held firm on many key aspects. I pushed back in my limited capacity as a technical person within the AU system in this note here.

Question. What assurances, if any, did you receive to ensure the Chinese Government would not construct the African CDC building to spy on public health programming in Africa and transfer sensitive data back to China? What steps did you take to very these assurances?

Answer. The African Union seeks transparency within every partnership development, including infrastructure development. Any unauthorized actions were a breech on the side of the partner, not negligence by Africa CDC.

Revised Response (Received April 2, 2022)

Answer. Africa CDC has requested that all software—including the building's information and data management systems—be handled by an independent group, as opposed to the PRC state-owned enterprise, to ensure that it is under the strict oversight of the African Union. The African Union seeks transparency within every partnership, including on infrastructure development, and does not condone spying or unauthorized data sharing.

Question. During your time with the African CDC, you supported cooperation with China on setting up Africa's Regional Integrated Surveillance and Laboratory Network to help coordinate and integrate healthcare capacity and public health data. What guardrails, if any, did you put on this cooperation to protect sensitive health data?

Answer. Africa CDC guidance aligns with WHO guidance to all WHO Member States regarding the protection of the individual rights of citizens for their health information to not be used without consent.

Revised Response (Received April 2, 2022)

Answer. None of the three Regional Integrated Surveillance and Laboratory Networks that Africa CDC is establishing in Central, Southern, and West Africa has benefited from any PRC support or input—absolutely none.

Question. Did you have any concerns, or do you have, about the integration of so many public services under Chinese technical expertise and infrastructure? How did you address those concerns at the time?

Answer. AU member states make their own decisions on who they partner with on technical expertise and infrastructure. The role of Africa CDC is to provide best practices, encourage collaboration and enhance communication amongst countries in an effort to build strong networks to fight ongoing and new health threats.

Revised Response (Received April 2, 2022)

Answer. During my tenure at Africa CDC, there have been three PRC-associated seconded staff, from 2017 to 2019, with each staying for one year. By contrast, during the last five years Africa CDC has benefited from ten U.S. CDC assignees and or seconded staff, with three embedded full-time. AU member states make their own decisions as to whom they partner with on technical expertise and infrastructure. Africa CDC's role is to provide best practices, encourage collaboration, and enhance communication amongst countries to build strong networks to fight ongoing and new health threats. I have been very clear on my stance that we must insist on respectful and action-oriented partnerships that are fully aligned with Africa CDC's priorities.

Question. Do you commit to ensuring that any data collected by PEPFAR programs is protected and cannot be accessed by authoritarian governments?

Answer. Yes.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO DR. JOHN N. NKENGASONG BY SENATOR MARCO RUBIO

Question. On January 27, 2020, you wrote an article that called Beijing's response to the COVID–19 pandemic "swift and decisive" and praised its "political openness" as a "new dawn for global health security and international health diplomacy." This was certainly the early days of the pandemic, but already by January 27, the Chinese response to COVID–19 was anything but a "new dawn." A few days before January 27, on January 23, the PRC instituted a complete lockdown of Wuhan. The PRC took draconian measures that far exceeded the lockdowns that we all eventually experienced during the pandemic. They welded people into their homes to force them to comply with the lockdown, and to keep them from leaving once the hospitals were full. They harassed the family members of those who had died of the disease. A blogger who covered this, Zhang Zhan, still remains in custody for telling the world about the Chinese Communist Party's repression. What about this response was a "new dawn?"

Answer. In my role as CDC Africa Director at that time, we desperately wanted transparency and openness to understand the origins of this new global threat. We assumed that China, as a WHO Member State and a purported supporter of global health security, would behave responsibly and share all relevant information, data, and samples in a timely and transparent manner; but unfortunately that was not—and still is not—the case.

Question. Do you still believe the PRC's response to the COVID–19 crisis is a model other countries should follow now, or for future pandemics?

Answer. The world still does not definitely know the origins of the virus and the early spread of COVID–19. The PRC is politicizing this issue, when it should be a straightforward discussion and analysis of data among experts. The inquiry into the origins of this pandemic must be science-based and have access all relevant data, samples, and information. We owe it to our people and people all around the world to look thoroughly and apolitically into the origins of COVID–19.

Question. In the same piece, you wrote the following: "By 10 January 2020, the consortium had sequenced and publicly released partial sequences obtained from a patient in Wuhan that demonstrated at least 70 percent similarity in genetic material to severe acute respiratory syndrome (SARS). Such transparency in sharing sequence information is critical for the development of diagnostic tests and potential therapy and vaccines to help control the outbreak, should it spread widely. The sequences were deposited in GenBank." The "transparency" you praised was not transparency at all. It was the result of a brave Chinese scientist, Zhang Yongzhen, releasing the sequences without Beijing's permission. Zhang's lab at the Shanghai Public Health Clinical Center sequenced the full genome of SARS-CoV-2 by January 5, and immediately shared the sequence with the National Health Commission and sought permission to publish. After receiving no answer for six days, Zhang asked

a colleague in Australia to release the sequence on GenBank on January 11 (local time). A day later, the authorities closed his lab for "rectification." The NHC did not share the genome sequence with the WHO until after Zhang published it. We have a whistleblower to thank for the information that allowed us to develop our diagnostic tests, vaccines, and treatments, not the PRC authorities. When you wrote this article, did you know that the "transparency" you praised was actually a courageous scientist acting in defiance of Beijing for the sake of global public health?

Answer. No.

Question. On January 3, the PRC National Health Commission issued a confidential gag order to prevent Chinese scientists from sharing information related to the virus with anyone without authorization and ordered them to destroy samples in their possession. While this information did not becoming publicly known until April 2020, given the extent of the initial cover up with SARS in 2003–2004, and many other instances of PRC authorities covering up, distorting, or misrepresenting data of various types over the years since then, shouldn't you have been more skeptical of Beijing's claims early in the outbreak?

Answer. My position at the time was we would take the information in good faith in the hopes it would encourage a meaningful partnership to fight COVID–19. Over time it became apparent that not all the information was being freely shared.

Question. Thanks to investigative reporting by brave Chinese journalists, we've known since 2021 that the genome had been sequenced by commercial companies at least as early as December 27, 2019, and these companies had provided the results to Wuhan and central authorities. So the truth is far more complicated than the picture that you painted in your article, which was based on data curated by Beijing. Do you regret jumping to conclusions in the absence of reliable data? In retrospect, how do you account for this misjudgment? What lessons have you learned?

Answer. At that time, we sincerely thought that maybe the relationship Africa CDC had fostered with Chinese counterparts would yield scientific dividends to fight COVID–19 and as a result of our scientific and technical exchange, there would be the emergence of information to fight the spread. With hindsight now, it is clear that we were premature in drawing conclusions that did not stand the test of time.

Question. Going forward, do you commit to being more circumspect when making assessments of developing situations, and more skeptical of data coming out of China?

Answer. Yes.

Question. If confirmed, will you rigorously question the integrity and quality of any assistance provided by the Chinese Communist Party to global AIDS relief?

Answer. Yes.

Question. I understand that you played a leading role in standing up Africa's CDC. While more coordination in infectious disease control is certainly needed in Africa, Africa's CDC was built and funded by China. Similarly, Beijing designed, built, and paid for the African Union's $200 million headquarters, with Huawei installing its servers. It turns out that the headquarters was hacked and had its data transferred to a server in China. This raises concerns that Beijing will seek to steal data from the Africa CDC in the same way they did with the AU headquarters. Can you explain your role more in Africa's CDC?

Answer. As a U.S. Government official, I was seconded from the U.S. Centers for Disease Control and Prevention to the Africa Centers for Disease Control and Prevention as its Director from 2021–2026. The AU process dictated how Africa CDC would be financed; my role was to realize a vision I had to build local competency and resilience and expand partnership between the U.S. CDC, my home of thirty years, and Africa.

Question. Did you ever push back on China's role in constructing the facility?

Answer. The decisions were promoted through complicated AU discussions and negotiations. I had no vote.

Question. Since establishing the President's Emergency Plan for AIDS Relief (PEPFAR), Congress has stipulated that the program has overall management and budget authority across agencies, enabling it to strategically guide U.S. efforts on global HIV and AIDS. In addition, as a program situated in the State Department, PEPFAR has been able to incorporate global health leadership with U.S. diplomatic assets, helping to integrate its work on the ground and strengthening its relationships with partner governments. Many have credited these attributes as core to PEPFAR's success. What do you see as opportunities to utilize the program's diplo-

matic relationships and its cross agency authority to address the next phase in the global HIV response?

Answer. First, all credit to PEPFAR's founding legislation which equipped the U.S. Global AIDS Coordinator with the budget, authority, and the Department of State's foreign assistance leadership to execute what I believe is one of the most successful development initiatives ever launched by a country. That focus, aligned with impressive support to keep the program committed to its goal has yielded dividends that can appropriately evolve into an effective multisectoral instrument to demonstrate how a focused approach to problems can continue to drive results and make a lasting impact. If confirmed, I will work collaboratively with all stakeholders to identify ways we can continue to expand country responsibility on sustaining HIV impact.

Question. If confirmed, will you continue to maintain PEPFAR's management and budget authority across the interagency?

Answer. Yes, and if confirmed, I commit to working with Congress on this matter.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO DR. JOHN N. NKENGASONG BY SENATOR BILL HAGERTY

Question. In January 2021, the State Department called for a transparent and thorough investigation into the origin of the COVID–19 pandemic. Understanding the origin of COVID–19 is essential to advance global public health, economic recovery, and international security. In particular, the State Department urged the World Health Organization to press the Government of China to show transparency and share information about the initial outbreak and spread of COVID–19. China, however, has resisted the international community's effort to understand the outbreak and spread of COVID–19. What is your view of China's role in the outbreak and spread of COVID–19?

Answer. While fighting the current COVID–19 pandemic must be our priority, understanding its origins and transparency of data are critical to prepare for, prevent, and more rapidly respond to the next pandemic. If confirmed, I will work across the U.S. Government interagency and with our external partners to ensure that we continue to support the WHO's ongoing efforts to identify the origins of COVID–19. Toward this end, WHO has appointed a new expert panel to focus on better managing outbreaks of unknown origin in the future, and, if confirmed, I will cooperate with it to the extent appropriate.

Revised Response (Received April 26, 2022)

Answer. In its own backyard, the People's Republic of China (PRC) responded to COVID–19 by cracking down on public health officials who wanted to alert the world on early observations about how the virus was spreading, which could have saved lives. The lack of transparency and misinformation by PRC officials, their actions to block flow of helpful information from their own scientists, and the PRCs refusal to collaborate with countries when it was crucial to do so led to the escalation of this pandemic. I agree that the inability of WHO to compel collaboration by PRC hampered global efforts further. The United States must counter the PRC's misleading narratives everywhere they emerge. I worked to counter these by publicly acknowledging U.S. efforts and raising the profile of the United States for being the largest contributor of vaccines, while also privately working diplomatically to dispel misinformation circulating amongst AU Member States. If confirmed, I will work tirelessly to ensure the preeminence of the United States as the credible partner to assist in mitigating COVID–19, including through the provision of safe and effective vaccines globally at no cost, and set countries on a course for true health security.

Question. What mistakes, in your view, did China commit in the outbreak and spread of COVID–19?

Answer. As the world continues to seek to control the COVID–19 pandemic, we must ensure the lessons we have so painfully learned are never repeated. If confirmed, I will work with both the U.S. Government interagency and collaborating partners to strengthen the global health architecture so that all countries are better prepared to prevent, detect, and respond to the threats of infectious disease.

Revised Response (Received April 26, 2022)

Answer. The primary mistake the People's Republic of China (PRC) made, in my view, was its choice to hide the truth of its earliest observations of how the COVID–

19 virus spread. Once it became clear that the virus spread asymptomatically, it was crucial that the world know that fact immediately. The PRC's blocking the WHO from conducting an independent investigation was another mistake, leading to perceptions, rather than science driving global decision-making. Also, as stated above, the PRC's cracking down on public health officials who wanted to alert the world on early observations about how the virus was spreading, which could have saved lives, was a serious miscalculation. Lastly, the spread of misinformation has been concerning. For instance, despite the May 2020 statement by the PRC leadership that $2 billion will be allocated to fight COVID–19, no funding has materialized.

Question. From 2016 to 2021, you served as the Director of Africa's Center for Disease Control and Prevention. China has used public health assistance to Africa to exert further influence often at the expense of Africans. Please provide details on your cooperation and collaboration with the Government of China during the time that you served as the Director of Africa's Center for Disease Control and Prevention?

Answer. In my role as Director, our goal was to broaden collaboration. I sought to create as many partnerships and third-party engagements to support the needs of AU member states. Since the Ebola outbreak, in seeking a coordinated response, the Africa CDC forged partnerships with China, with the EU, with the United States and many others, to collaborate on technical issues that would enhance health security. When COVID appeared, Africa CDC leveraged WHO to try to bring China into the on-going dialogue on how best to understand the etiology of this new disease.

Revised Response (Received April 26, 2022)

Answer. As Director of the Africa CDC, an agency of the African Union, it was my role to confront threats to the health of over a billion people, and I supported a global appeal to make safe and effective, World Health Organization Emergency Use Listing Procedure (WHO EUL)-approved vaccines available to African countries. The PRC engaged countries on a bilateral basis, which was outside the scope of the Director's authority, and Africa CDC had no role in countries' decisions regarding which vaccines to administer to their populations. When the PRC offered vaccines to the African Union Commission (AUC) in Addis Ababa that had not received WHO EUL-approval, I opposed it very strongly and advised the AUC to only use vaccines that had received proper regulatory approvals. If confirmed, I will continue to push for equitable global access to safe and effective COVID–19 vaccines. When I arrived in January 2017 as Director, my priority was to develop a 5-year strategic plan for Africa CDC. I used the plan, which was endorsed by the Africa CDC governing board, to constrain the ability of the PRC to discuss public health priorities for Africa only in the context of the strategic plan. For instance, I stopped programs to send young African scientists to China for short term training, and instead argued that such training could be done on the continent of Africa.

Question. When you served as the Director of Africa's Center for Disease Control and Prevention, what efforts did you take to protect the data of Africans from exploitation by China?

Answer. Data use and sharing is an important aspect of the COVID–19 response, and AU member states encouraged data transparency, which was instrumental in mitigating transmission of the virus across the continent. Relevant data were also available to our technical partners including China and other countries to inform mitigation and vaccine efforts.

Revised Response (Received April 26, 2022)

Answer. Africa CDC has requested that all software—including the building's information and data management systems—be handled by an independent group, as opposed to the People's Republic of China (PRC) state-owned enterprise, to ensure that it is under the strict oversight of the African Union. Currently, Africa CDC is actively looking for African organizations that can develop needed software for Africa CDC, so that the PRC is not doing it for Africa CDC. The African Union seeks transparency within every partnership, including on infrastructure development, and does not condone spying or unauthorized data sharing.

Question. If confirmed, what limitations or safeguards will you put in place for all future interactions with the Government of China?

Answer. If confirmed, I will work aggressively to draw on America's comparative advantages in global health and development and engage directly with partner countries and civil society to ensure that good governance, transparency, and accountability are integrated into all our PEPFAR programming.

Revised Response (Received April 26, 2022)

Answer. One obvious limitation that should be imposed on the People's Republic of China (PRC) is unfettered access to data and information which has been the hallmark of scientific collaborations before COVID–19. It would be important to not simply embrace the high cost of PRC inaction, but for the United States to boldly call for adoption and implementation of new global standards for health engagement with the PRC based on the painful lessons learned. Any interaction with the PRC should be handled with the utmost of care. If confirmed, where PRC influence is taking hold, I would seek for PEPFAR to be more outspoken to safeguard against PRC-induced corruption, and to speak more about PEPFAR's tremendous investment over time, it's very visible impact on HIV for the citizens of the countries, and the health systems that have helped respond to COVID–19 and other health threats and stand to further promote health security efforts.

Question. PEPFAR has previously worked best when U.S. taxpayer dollars were granted to partner countries only in return for concrete improvements in their processes. In specific, U.S. taxpayer dollars must operate as an instrument of accountability-not simply as largesse for foreign governments. A key goal of U.S. foreign assistance should be to ensure that recipients someday achieve self-reliance. If confirmed, what are your plans to impose accountability on partners of PEPFAR program to ensure high performance?

Answer. PEPFAR is recognized as an exemplary steward of American taxpayer dollars. I believe it has some of the most rigorous data reporting and monitoring measures in place across all its programs that tracks to real outcomes. If confirmed, I intend to ensure program and policy decisions continue to be driven by the most robust, granular data available so that U.S. taxpayer dollars continue to have the greatest impact and reach those with the greatest need and at highest risk—a hallmark of the PEPFAR program. I will work collaboratively with countries, and with my counterparts in the diplomatic corps and development community, to identify ways we can continue to expand country functional and financial responsibility and capacity for self-reliance.

Revised Response (Received April 26, 2022)

Answer. PEPFAR is recognized as an exemplary steward of American taxpayer dollars. I believe it has some of the most rigorous data reporting and monitoring measures in place across all its programs that track to real outcomes. If confirmed, I intend to ensure program and policy decisions continue to be driven by the most robust, granular data available so that U.S. taxpayer dollars continue to have the greatest impact and reach those with the greatest need and at highest risk—a hallmark of the PEPFAR program. I will work collaboratively with countries, and with my counterparts in the diplomatic corps and development community, to identify ways we can continue to expand country functional and financial responsibility and capacity for self-reliance.

Question. If confirmed, what are you plans to empower recipients of PEPFAR foreign assistance to eventually achieve self-reliance?

Answer. Because of PEPFAR's support, countries are achieving or nearing epidemic control of HIV. We must work together with others as epidemic control is a dynamic state. Many partner governments have increased their investment in their respective HIV response over time. However, several cannot, and this has been compounded recently by COVID–19. PEPFAR is not a replacement for partner government responsibility. If confirmed, I will support efforts to promote self-reliance by developing more efficient models of service delivery and strengthening technical, managerial and financial capacity for partner governments to maintain key services, systems and resources stewarded by local institutions.

Revised Response (Received April 26, 2022)

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Question. During your SFRC nomination hearing on March 15, 2022, you referenced your desire to continue to strengthen cooperation with the World Health Or-

ganization (WHO) in an effort to curb the current global pandemic, as well as prevent the next pandemic. The WHO, however, has come under significant scrutiny as a result of its inability to conduct a thorough and comprehensive investigation into the origin of COVID–19 from China. Moreover, China's increasing influence at the WHO continues to jeopardize the integrity of the organization. What is your view of the World Health Organization's role in the outbreak and spread of COVID–19?

Answer. The WHO plays a key role in helping countries to prepare and respond to a wide range of health issues. During the COVID–19 pandemic, the WHO has ensured that vital supplies reach frontline health workers with personal protective equipment (PPE), diagnostics, and other tools. If confirmed, I will work across the U.S. Government interagency and with our external partners to ensure that we continue to support reforms and improvements of the WHO, including its ability to thoroughly and transparently lead studies into outbreaks of unknown origin. American leadership and American values can help to strengthen the WHO, ensure availability and accessibility of health services for all people, and support a recovery from the global disruption of COVID–19 to enhance preparedness, detection, and response to future pandemics in order to protect everyone.

Revised Response (Received April 26, 2022)

Answer. The WHO took an overly supportive posture of the People's Republic of China (PRC) at the start of the pandemic, which tempered the more aggressive stance all nations should have taken when information on the potential of COVID–19 to spread widely was scarce. Following that misstep, the WHO has ensured that vital supplies reach frontline health workers with personal protective equipment (PPE), diagnostics, and other tools. If confirmed, I will work across the U.S. Government interagency and with our external partners to ensure that we continue to support reforms and improvements of the WHO. I will support the U.S. negotiating team that is exploring how to strengthen the WHO's ability to lead transparent studies into outbreaks of unknown origin through language in a possible new international agreement. American leadership and American values can help to strengthen and reform the WHO, ensure availability and accessibility of health services for all people, and support a recovery from the global disruption of COVID–19 to enhance preparedness, detection, and response to future pandemics in order to protect everyone. A reformed and accountable WHO is what is needed most to ensure that the world does not witness such a catastrophic pandemic again.

Question. What should the United States do to achieve accountability and competence from the World Health Organization?

Answer. Much work remains to strengthen and improve the performance of the WHO and our global pandemic preparedness and response. If confirmed, I will support the work of our U.S. Government interagency team to strengthen and reform the WHO, I look forward to working with you and others in joining the effort to do so.

Revised Response (Received April 26, 2022)

Answer. Much work remains to strengthen, reform and improve the performance of the WHO and our global pandemic preparedness and response. The United States wants to strengthen the role of Member States in WHO governance, specifically in determining the strategic direction and core functions of WHO. The United States has highlighted several high-priority reform areas with WHO where we understand there is Member State consensus to move forward quickly, including WHO governance, budget and financial transparency and oversight, accountability, allocation of resources between headquarters, regional and country offices, human resources management, and compliance, risk management, and ethics. We must work to match funding to expectations, ensure the institution moves forward on reforms, and strengthens capacity to govern disease events in a more transparent manner. If confirmed, I will support the work of our U.S. Government interagency team to strengthen the role of Member States and press for reform at the WHO. I look forward to working with you and others in joining the effort to press on the reform area of accountability.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO DR. MONDE MUYANGWA BY SENATOR ROBERT MENENDEZ

Question. Global sovereign debt is at record levels—the highest in 50 years and triple 2008 levels; China is Africa's largest bilateral creditor, holding more than 20 percent of African debt—and payments to China account for nearly 30 percent of 2021's debt service. The rise of commercial creditors is another trend, with nearly half of African countries' public sector debt owed to the private sector. This shift in the lender landscape brings with it a set of challenges, particularly the increasing levels of opaque or hidden debt; collateralization of strategic reserves and commercial interest rates. This dynamic has a high social cost with ballooning debt service payments, diverting funds from vital public services. Of equal concern is the impact opaque debt has on democratic governance in terms of facilitating corruption, bolstering authoritarians, and expanding foreign malign influences.

- Under your leadership, how will USAID raise awareness of the challenge of hidden debt and leverage democracy assistance programs to support parliaments, civil society, governments, and others to prioritize transparency, oversight, and sound debt management?

Answer. I understand that USAID supports partner government institutions to become more transparent, responsive, and effective. This includes efforts to strengthen justice systems, enhance public administration and public financial management, and promote transparency and accountability across the public sector. In addition, USAID supports civil society, media and government entities to perform and enhance oversight functions and information sharing. Finally, I understand that under Prosper Africa, USAID also seeks to increase investment from U.S. institutional investors, further demonstrating an alternative to state-backed debt financing of the United States' strategic competitors. If confirmed, I will work with colleagues in the Bureau for Africa to strengthen theseefforts.

Question. When our attention is focused on crises such as the spate of coups or closing democratic space, we sometimes overlook countries that are quietly moving in the right direction and merit additional support and assistance.

- What does the U.S. provide to countries as a "democracy dividend" when they do show progress or begin transitions?

Answer. I believe that it is important to support countries as they work to demonstrate to their citizenry that democracy leads to improved social and economic outcomes. Demand for democracy in Africa remains high, underscoring the need to encourage open dialogue to identify opportunities and challenges and help governments to manage expectations.

Moreover, Africa is home to many of the world's most striking democratic openings in recent years, for example those in Zambia, Malawi, and Gambia. It is crucial that we help democratic reformers in countries like these succeed.

Question. What should we be doing by way of assistance to help cement transitions?

Answer. It is important for development actors to listen to government officials and citizens in partner countries to understand how assistance can be deployed to encourage positive state-society relations that will support democratic development and consolidation. There is not a single approach, and responses should be tailored to the country-specific context. Efforts may include capacity building of government institutions, delivery of basic services, facilitating consultative and participatory decision-making, or peacebuilding and reconciliation activities, among others.

Question. Do you commit to coming back to the committee with your ideas for a democracy dividend for countries that take important steps toward democratic transitions, if confirmed?

Answer. Yes, if confirmed, I commit to consulting with the committee and sharing my ideas for how USAID can support countries that are demonstrating democratic progress.

Democracy and 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 across Africa? 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 will prioritize meeting with civil society actors in the U.S. and from African countries as a means to ensuring their voices, which are crit-

ical to advancing development solutions, are heard. Supporting civil society also means working to promote an enabling environment where organizations and citizens can operate freely. This may include supporting civil society demands to reverse draconian laws and calling out repressive measures. If confirmed, I will also work closely with my counterparts at the Department of State to encourage diplomatic engagement on rolling back restrictive measures and advocating against the adoption of new measures.

Question. Will you and your USAID team actively engage with civil society and government counterparts on countering disinformation and propaganda disseminated by foreign state or non-state actors on the continent?

Answer. The rapid growth of social media in particular has changed how the world communicates, and with that comes increasing risks of misinformation and disinformation. I believe that USAID does have a role to play in ensuring that partners have the tools to combat misinformation and disinformation, which may require training service providers, as well as promoting the role of traditional media and journalists, to disseminate accurate information.

Question. Will you commit to using your position, if confirmed, to defend the human rights and dignity of all people in across Africa, no matter their sexual orientation or gender identity? What challenges do the lesbian, gay, bisexual, transgender and queer (LGBTQ) people face in Africa?

Question. Yes. LGBTQI+ people throughout Africa face harassment, physical attacks, and arrest, and are often denied access to basic education, health, housing, economic opportunities, and other services. Their participation in democratic processes and government is also limited. If confirmed, I pledge to implement USAID's comprehensive, inclusive non-discrimination policies for the beneficiaries of USAID assistance; ensure programs continue to reach out to the most-marginalized members of society, including LGBTQI+ populations; and elevate the importance of practices that ensure the dignity of all Africans, irrespective of their gender identity or sexual orientation.

Congressional Consultations

Question. How do you intend to revitalize the relationship between Congress and USAID through the Africa Bureau? What steps will you take to make sure transparency is a central tenant within USAID's programs?

Answer. I appreciate the support that this committee, and the full Congress, have given to matters on the African continent over the years. Your attention to key issues affecting the continent and continued focus on opportunities for U.S. assistance has been invaluable. If confirmed, I will take steps to ensure that transparency is core to all of USAID's programming in Africa, and look forward to consulting with you on a regular basis on areas of mutual concern.

Question. Will you commit, if confirmed, to ensuring that you fully brief me and/or my staff each time you are in Washington for visits or consultations during your tenure as Assistant Administrator of the Africa Bureau of USAID?

Answer. Yes. If confirmed, I commit to briefing the committee and consulting with the committee throughout my tenure at USAID.

Power Africa

Question. The initial Electrify Africa Act of 2015 embraced all power generating options available, including fossil fuels. Times are changing and the availability and effectiveness of renewables have never been better, in addition to the need for rapid decarbonization.

- What direction do you think Power Africa should go to meet both energy needs and mitigation goals?

Answer. I believe that Power Africa will continue to drive energy transformation for sub-Saharan Africa under the Electrify Africa Act of 2015 and support the Administration's climate action agenda. It is my understanding that Power Africa and USAID take a renewable energy first approach, but will consider support for carbon-intensive power projects to achieve highly impactful development objectives that cannot be met by less carbon-intensive alternatives under the Administration's Interim International Energy Engagement Guidance. If confirmed, I will work with my colleagues in Power Africa to continue to promote mutual economic prosperity between the U.S. and African partners via technical/field expertise, innovation, investment, and enabling environment reform. With a strong emphasis on renewable energy and advancing the pledged climate ambitions of both the U.S. Government and African leaders, the ambitious goals of the program continue to advance uni-

versal energy access—adding 30,000 megawatts and 60 million connections by 2030, in addition to tracking metric tons of carbon dioxide equivalent (CO2e), reduced, sequestered, or avoided through clean energy.

Question. What role should USAID play in addressing slave and child labor and corruption in supply chains that produce materials essential to renewable energy development?

Answer. I understand that USAID is working with interagency counterparts to develop a policy on forced labor that will end financing for purchases from suppliers that are the subject of a U.S. Customs and Border Protection Withhold Release Order (WRO), on the Commerce Entity List, or otherwise sanctioned for their use of forced labor. In addition, USAID is dedicated to addressing the role of forced labor in the extraction of critical minerals necessary for renewable energy technologies and high performing batteries, noting the majority of supplies come from Africa. This should be done through work with interagency partners and private industry investors to promote strong labor rights, protection for private capital, financial transparency, and other social safeguards as the demand for "green industry" minerals rises.

DEI/Workforce

Question. How do you anticipate fostering diversity, equity, and inclusion within the Africa Bureau's workforce and among its implementing partners in Washington and overseas?

Answer. First, I would like to commend the Agency for the designation of a Chief Diversity Officer. If confirmed, I look forward to engaging with her on diversity and inclusion issues that impact the Bureau for Africa. If confirmed, I will ensure the Bureau and USAID's Missions across Africa continue to engage implementing partners to promote the rights and inclusion of marginalized and underrepresented populations throughout the development process. I also understand that USAID is escalating its efforts to enhance staff diversity, equity, and inclusion, and that the Bureau for Africa has a volunteer employee-led Diversity, Equity, Inclusion and Accessibility (DEIA) Council, as do the majority of USAID Missions in Africa. If confirmed, I will elevate and give my full support to these efforts.

Local Partnerships

Question. What are the key challenges to meeting administrator Power's charge that 25 percent of all USAID funds shall be programmed via local partners, and how would you address them?

Answer. The geography and variation in size and political context of countries across Africa require distinct approaches to advancing localization. We have seen compelling examples of how effective development and humanitarian assistance can be when local actors and communities in African countries lead in addressing local challenges. Administrator Power's 25 percent target is global in scope, and there will be significant variation by region. In all instances, it is essential that USAID elevate local voices, expand rigorous co-design, strengthen local capacity, and ensure that all activities support sustained locally led and community responsive development. This includes taking lessons learned from historical and ongoing localization efforts, and engaging with regional leaders and USG stakeholders, like the African Development Fund and the Development Finance Corporation, to determine what localization looks like for the African continent. If confirmed, I look forward to working to unleash the potential of local businesses and institutions in various African country contexts.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO DR. MONDE MUYANGWA BY SENATOR JAMES E. RISCH

Management

Question. If confirmed, will you commit to working in a bipartisan manner with the Senate Foreign Relations Committee, including by providing timely, accurate, and complete information on relevant USAID strategies, initiatives, programs and funding in Africa?

Answer. Yes, if confirmed, I commit to working with the committee in a bipartisan manner to provide information requested in a timely, accurate, and complete fashion.

Question. If confirmed, will you commit to upholding a zero tolerance policy for waste, fraud, and abuse in the programs under your purview?

Answer. Yes. If confirmed, I will uphold a zero tolerance policy for any waste, fraud and abuse across all of USAID's programming under my purview.

Question. If confirmed, will you also uphold a zero tolerance policy for all USAID staff and implementing partners under your management responsibility who engage in the sexual exploitation and abuse of the vulnerable communities they are meant to serve?

Answer. Yes. If confirmed, I will uphold a zero tolerance policy for any USAID staff and implementing partners under my management responsibility who engage in any form of sexual exploitation or abuse of any kind.

Question. What is your understanding of morale within USAID's Africa Bureau and how, if necessary, do you intend to improve it?

Answer. It is the responsibility of leadership to be highly attuned to the state of staff morale, particularly in large and complex organizations such as USAID. It is my understanding that the impacts of the COVID pandemic, the increased need to deliver development and humanitarian assistance across the African continent, as well as the uptick in political violence in several countries, have had an impact on the morale of Africa Bureau staff. If confirmed, I will consult with Africa Bureau staff, both in Washington D.C. and the field, and representatives from the Office of Human Capital and Talent Management to gauge the state of morale as well as the resources available to address staff concerns, and develop a plan of action to address the issues identified.

Question. How do you intend to create a unified mission and vision across the Africa Bureau's offices, initiatives, and programs while holding managers and implementing partners accountable for transparency and results?

Answer. If confirmed, I will work to promote joint strategic planning within the Bureau to overcome stove-piping and unify across streams. I will empower components to develop contextualized implementation plans with clearly stated objectives and results that derive from and support the Africa Bureau joint strategy and its priorities. I will also work with Bureau leadership to continually highlight the importance of our unified mission and the factors that make for a successful "Team USAID." Where necessary, I will strengthen the Bureau's various mechanisms for accountability and transparency, including performance reports, site visits, robust program evaluations, and audits.

Question. How would you describe your management style?

Answer. I would describe my management style as vision-driven and results-oriented. My goal is to create an inclusive, team-oriented environment where staff are held accountable for achieving results and feel empowered and supported by management.

Question. In your view, how would your management style translate to USAID, where your workforce and implementing partners are composed of a dizzying array of career foreign and civil servants, political appointees, Foreign Service Limited appointments, Participating Agency Service Agreements, foreign governments, international organizations, contractors, and grantees, often with competing priorities and interests?

Answer. I spent 13 years at the Africa Center for Strategic Studies and eight years at the Wilson Center leading diverse teams composed of federal employees, foreign nationals, and contracted staff hired under various employment mechanisms. If confirmed, I will utilize my experience to address staffing and human resource concerns that may hinder a cohesive, team-oriented work environment. My transparent and agile management style will allow me to effectively balance the Bureau's competing priorities while holding everyone accountable for achieving the overall Agency and U.S. Government foreign policy objectives.

President's Emergency Plan for AIDS Relief (PEPFAR)

Question. USAID missions have a long history of stretching the boundaries when it comes to permissible uses of PEPFAR funds, including: using PEPFAR funds to finance the construction of schools in Malawi despite the availability of education funds earmarked by appropriators annually for this purpose; using PEPFAR funds statutorily set aside to support children who have been made vulnerable by HIV/AIDS for activities with no discernable connection to HIV/AIDS; and by using PEFPAR funds to support salaries for implementing agency staff who are only nominally focused on combatting HIV/AIDS.

- If confirmed, will you commit to ensuring all U.S. Government-supported efforts to combat HIV/AIDS globally are efficient, effective, aligned, and complementary to the work of the Office of the U.S. Global AIDS Coordinator and Health Diplomacy?

Answer. Yes. If confirmed, I commit to ensuring USAID's HIV/AIDS efforts are efficient, effective, aligned, and complementary to the work of the Office of the U.S. Global AIDS Coordinator and Health Diplomacy (OGAC).

Question. Will you work to ensure that implementing missions and partners meaningfully contribute to, but also strictly adhere to, PEPFAR's Country Operating Plan (COP) process?

Answer. If confirmed, I will work to ensure continued Africa Bureau engagement with Missions and partners in the field to ensure meaningful contributions to, engagement with, and adherence to each country's annual PEPFAR Country Operating Plan (COP) process. In addition, I will fully collaborate with Global Health Bureau leadership, who remain USAID's principal interlocutor with the Office of the U.S. Global AIDS Coordinator.

Localization

Question. Successive administrations—both Democrat and Republican—have launched initiatives to "localize" U.S. foreign assistance, including by building the capacity of local partners to design programs and manage U.S. funds directly, rather than working as sub-awardees to large, U.S.-based development contractors and non-governmental organizations. There has, however, been confusion about how "localization" is defined and measured across the implementing agencies, and how oversight of local partners should be conducted.

- What should "localization" look like in Africa?

Answer. The geography and variation in size and political context of countries across Africa require distinct approaches to advancing localization. We have seen compelling examples of the effectiveness of development and humanitarian assistance when local actors and communities in African countries lead in addressing local challenges. Administrator Power's 25 percent target is global in scope, and there will be significant variation by region. In all instances, it is essential that USAID elevate local voices, expand rigorous co-design, strengthen local capacity, and ensure that all activities support sustained locally-led and community responsive development. This includes taking lessons learned from historical and ongoing localization efforts, engaging with regional leaders and USG stakeholders, like the African Development Fund and the Development Finance Corporation, to determine what localization looks like for the African continent. If confirmed, I look forward to working to unleash the potential of local businesses and institutions in various African country contexts.

Question. If confirmed, will you commit to working with Congress to establish a formalized definition and plan for "localization", to include support for partner government investment strategies and direct funding for both local faith- and community-based organizations?

Answer. If confirmed, I commit to working with USAID colleagues and with Congress to implement the vision for localization described by Administrator Power in her November 4, 2021 policy speech at Georgetown University, including plans for government-to-government assistance, where appropriate, and direct funding for local faith- and community-based organizations as critical partners in USAID's localization efforts.

Question. If confirmed, how would you approach oversight of local partners by USAID's missions in Africa?

Answer. USAID has significant experience partnering directly with local actors across Africa, in a variety of contexts. It is my understanding that USAID awards in Africa and around the globe include substantial compliance provisions, both required by law and enhanced through USAID-specific policies to ensure that the Agency is an effective steward of taxpayer dollars. Similarly, direct awards are monitored by Agency staff to ensure compliance with award terms and conditions and to ensure the achievement of the intended results. If confirmed, I would ensure that USAID staff are appropriately trained for, and properly implement, these robust award management and oversight duties.

Humanitarian Assistance

Question. The Office of Management and Budget (OMB) has released a memo which, among other things, directs the new OMB Made in America Office to "review

how best to ensure agency compliance with cargo preference requirements to maximize the utilization of U.S.-flag vessels, in excess of any applicable statutory minimum, to the greatest extent practicable." This is likely to increase pressure upon USAID to exceed existing cargo preference requirements for food aid under the Food for Peace Act, notwithstanding the fact that the Government Accountability Office (GAO) repeatedly has found that such requirements significantly increase the cost of food aid while failing to advance the purposes of the Cargo Preference Act of 1954.

- In your testimony, you delivered impassioned remarks about how USAID's delivery of U.S. international food aid in Zambia impacted you personally. Given growing needs across the world, and particularly in areas beset by conflict and food insecurity in Africa, do you agree that it is incumbent upon USAID, in partnership with Congress, to stretch our aid dollars as far as possible so we can reach more people in need, in less time, and at less expense?

Answer. If confirmed, I am committed to working with Congress to make USAID's programming as effective and efficient as possible in combating rising food insecurity and building the resilience of vulnerable communities. Each of the food assistance modalities—U.S. in-kind food contributions, locally and regionally procured food, and cash-based programming—complements the others in addressing food insecurity efficiently and effectively. Now more than ever, it is critical to maximize USAID's ability to reach more people in need, in less time, and at less expense.

Question. Do you agree that U.S. cargo preference requirements for food aid have outlived their statutory purpose?

Answer. At this time of unprecedented global humanitarian need, USAID's ability to reach hungry people and improve the efficiency of its programs is of utmost importance. Cargo preference requirements increase the cost of programming U.S. in-kind commodities in humanitarian programs. If confirmed, I will work closely with USAID's Bureau for Humanitarian Assistance and interagency partners to ensure USAID food assistance most efficiently and effectively reaches those most in need in compliance with all applicable rules and regulations.

Question. If confirmed, will you commit to working with Congress to reform U.S. international food aid programs and bolster the Global Food Security Strategy in a manner that saves lives, supports early recovery, stimulates agriculture-led economic growth, and ultimately promotes self-reliance in Africa?

Answer. Yes. The most marginalized populations are bearing the brunt of the COVID–19 pandemic's impact. The war in Ukraine is also driving up global food prices, which could cause increases in food insecurity and malnutrition. I understand that USAID is leveraging short-term and long-term programs to respond. This includes engaging governments on trade and inclusive economic growth policies; engaging government and private sector partners to increase access to nutritious food; working with small and medium sized enterprises across food systems; transitioning households and communities off of assistance; and supporting governments to create and strengthen their existing social protection systems. If confirmed, I commit to working with Congress to combat food insecurity and malnutrition in Africa.

Branding

Question. Given your experience noted above, how important is the USAID "brand?"

Answer. The USAID brand is critical. I recognize that branding the Agency's work is required by law under the Foreign Assistance Act of 1961. While recognizing there are limited exceptions to branding to maintain partner safety and security, the USAID brand should be front and center as it drives trust, reputation, and impact. Around the world, it's important that the people who visit the clinics that USAID modernizes, or attend the schools that USAID builds, realize that these facilities have been provided or upgraded with the support of the American people. This recognition not only makes people aware of the good work that the Agency does, but it also helps ensure USAID funding continues, and can help inspire new partnerships. The USAID brand also helps American taxpayers understand where their tax dollars are going. If confirmed, I am committed to maintaining the brand equity that USAID has built over the years.

Question. If confirmed, will you commit to ensuring that United States foreign assistance in Africa is appropriately branded?

Answer. While recognizing there are limited exceptions to branding to maintain partner safety and security, I am committed to USAID branding, and if confirmed, will work to ensure that United States foreign assistance in Africa is appropriately

branded in all instances. I believe appropriate branding sends a strong public diplomacy message by conveying that United States assistance is due to the generosity of the American people.

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

Answer. Yes. If confirmed, I commit that the Agency will follow the law and ensure compliance with all applicable laws and regulations, including those related to family planning and abortion.

Question. Do you recognize the fungibility of U.S. foreign assistance? If confirmed, will you commit to ensuring that U.S. foreign assistance does not enable implementing partners to perform or promote abortion as a method of family planning, perform involuntary sterilizations, or lobby for or against the legalization of abortion?

Answer. It is my understanding that USAID does not fund abortion. If confirmed, I commit to continuing to comply with the law, including the Helms and Siljander amendments, in implementing the Agency's programs, including voluntary family planning and reproductive health programs.

Power Africa

Question. In the face of growing Chinese influence and investment, and in the wake of the COVID–19 pandemic, there arguably has never been a more important time to advance U.S. strategic programs to reduce energy poverty, support transformative energy development, and stimulate economic recovery in Sub-Saharan Africa. Yet, the President's FY 2022 budget request proposed to reduce by 26 percent funding for one of the most important instruments the USG has in its arsenal to accomplish these goals—Power Africa—while simultaneously imposing carbon caps and renewable energy mandates that inevitably will push developing economies in sub-Saharan Africa closer to China.

- Should reducing energy poverty in sub-Saharan Africa be a priority for USAID?

Answer. Yes. Ending energy poverty remains one of the greatest, if not the greatest, development challenges of our time. Power Africa will continue to increase access to power and the use of clean energy, as well as support investments in regional renewable energy programs in sub-Saharan Africa.

Question. If so, how can that reasonably be accomplished while the Administration redirects funding for Power Africa to undefined climate change objectives and abandons the bipartisan, bicameral agreement on an "all-of-the-above" approach under the historic Electrify Africa Act?

Answer. I believe the Agency's work through Power Africa, which leverages investments from U.S. and global partners, including the U.S. International Development Finance Corporation, will be able to achieve strong and lasting results. In line with the Electrify Africa Act, Power Africa targets resources to develop and offer the best tools, services, and solutions from the private and public sector, including its 12 U.S. Government agency partners, to promote transparent market-driven energy development in sub-Saharan Africa. Power Africa takes a country by country, project by project approach when evaluating how best to end energy poverty and builds the essential regulatory reforms and procurement practices to support a prosperous and democratic future.

Prosper Africa

Question. Launched by the Trump administration, Prosper Africa is a U.S. Government initiative supported by 17 agencies and departments, led by USAID, to increase two-way trade and investment between the United States and Africa. In 2019, Africa accounted for just 1.4 percent of U.S. global trade and received 0.7 percent of U.S. foreign direct investment. Such shares have declined relative to their historical highs a decade or so ago. One vital area of Prosper Africa that requires greater emphasis, and where USAID can play a crucial role, is in improving the enabling environment within African partner countries to better-attract U.S. business investment. Improvements in anti-corruption initiatives, human rights, the rule of law, and overall democratic governance would create better conditions for U.S. investment. Such enhancements would also counterbalance efforts by Chinese firms and the Chinese Communist Party to undermine free-market competition in African markets to their advantage.

- What are your views on USAID's role in promoting trade and investment and building stronger ties between the United States and the African continent?

Answer. I understand USAID plays a leading role in Prosper Africa. It does so by developing innovative new programming that drives the initiative's impact and by hosting the initiative's interagency Secretariat, which coordinates the initiative across 17 participating U.S. Government agencies, offers whole-of-government deal facilitation services, and leads private sector outreach. USAID is well-positioned to coordinate Prosper Africa due to the Agency's strong technical expertise in all aspects of trade and investment, extensive field presence, and flexible programs, which span the continent and allow the Agency to fill gaps in interagency resources and capacities.

Question. How should U.S.-African trade and investment initiatives factor into the U.S. global strategy to counter China, particularly in Africa?

While the U.S. Government cannot match strategic competitors' state-led approach dollar-for-dollar, Prosper Africa works to unlock billions in U.S. private capital flows to promote Africa's economic development, providing governments with high-quality, private financing. The approach contributes to local job creation, greater transparency, local economic development, citizen empowerment, climate-smart solutions, and improved labor and environmental standards. For example, USAID partners with the U.S. and African financial services sectors to strategically deploy blended financing resources to develop cost-effective financing tools that position U.S. and African firms to better compete with firms receiving subsidized loans.

Question. If confirmed as USAID Assistant Administrator for Africa, do you intend to advocate for continuing or modifying the existing Prosper Africa initiative? If so, how?

Answer. Prosper Africa is a critically important initiative, and if confirmed I will advocate to continue it. It is my understanding that businesses have told USAID that they find it difficult to access the U.S. Government's tools and services; they don't have enough information to do business effectively; and, for U.S. businesses and investors, their perceived risk of doing business in Africa is very high. Prosper Africa addresses these constraints by offering a one-stop shop where companies and investors can access the right U.S. Government services to meet their needs; and the initiative brings new resources to modernize the U.S. Government's toolkit to more effectively advance deals, improve enabling environments, promote market opportunities, and deepen financial and capital markets.

Question. How can the U.S. Government, through USAID programs, most effectively support efforts to improve the enabling environment for competitive foreign investment by U.S. firms in Africa? What types of partnerships work best?

Answer. Robust enabling environments are critical for investors who have a difficult time evaluating and taking risk in African markets that often don't have clear regulations or reliable, consistent data on investment performance. Through Prosper Africa, USAID and other participating agencies have ramped up support for the investment ecosystem that gives investors the tools to evaluate risk in African markets, including the global and local credit rating agencies, local and global regulators, and recipient country governments. Holistic partnerships that include investors and donors working collaboratively with developing country governments and global regulators are the best route to comprehensive changes that lead to transparent market capital.

Question. How can the United States best incentivize reforms and other actions necessary to foster economic opportunity and expand two-way trade and investment with the African continent?

Answer. I understand that through Prosper Africa, USAID coordinates across the U.S. Government to identify and advance priority reforms. USAID's support for customs reforms and trade facilitation (e.g., implementation of the World Trade Organization Trade Facilitation Agreement and the African Continental Free Trade Area) also helps countries establish the laws, policies, and practices necessary to facilitate international trade and commerce, and minimize clearance times and costs. This includes reducing barriers to trade and increasing the transparency and predictability of border procedures. This creates regional economies of scale that allow countries to become more integrated into international value chains, thereby promoting inclusive economic growth.

Regional

Question. Across Sub-Saharan Africa, democratic gains are under threat as long-serving rulers manipulate constitutional and electoral processes to remain in power

while stifling dissent and limiting opposition parties and candidates' activities. Since 2020, several African ruling parties and incumbent leaders deployed authoritarian tactics that manipulated democratic processes and constitutional frameworks, including in Cameroon, Ethiopia, CAR, Tanzania, Uganda, and Zimbabwe. More recently, the African continent has seen a spate of coups in Mali, Guinea, Sudan, Burkina Faso and Chad. Meanwhile, across multiple administrations, U.S. democracy and governance programs are chronically underfunded and notoriously slow to respond to emerging opportunities.

- If confirmed, how will you prioritize reinforcing democratic institutions and norms in Africa through USAID programs while balancing competing priorities in the areas of economic growth, stabilization, global health, humanitarian assistance, and human rights?

Answer. Democracy and robust democratic institutions are necessary for the success of other development efforts. It is a collective effort to improve democratic outcomes while promoting economic growth and human rights, and contributing to stabilization, global health, and humanitarian efforts. I understand that USAID programming often works across these subject matters, integrating the building and reinforcement of democratic norms, processes, and principles into programs that support health services and other development activities. If confirmed, I will work to ensure that these linkages continue and are deepened and that democracy issues receive the attention they deserve as an essential element of USAID's programming in Africa.

Question. In 2018 and 2019 respectively, Ethiopia and Sudan embarked upon unexpected democratic transitions, both of which have experienced catastrophic setbacks and continue to face very uncertain futures. While the United States was, and continues to be, eager to support these transitions, rapidly mobilizing, programming, and now redirecting the necessary resources (enabling policies, funding, and staff) has been a challenge. If confirmed, how would you prepare USAID's Africa Bureau to better respond to rapid democratic changes and seize unexpected opportunities, while also being able to rapidly shift gears if conditions of the ground warrant a change?

Answer. It is critical that USAID has the appropriate tools in its toolbox to respond to evolving dynamics, including new efforts in Africa to undermine democratic gains. It is my understanding that USAID has a range of tools, resources, and programming approaches that are utilized in rapidly changing political and crisis contexts. If confirmed, I will seek to learn more about them, how and when they are deployed, and to enhance their use in sub-Saharan Africa to provide more timely and effective responses. I will ensure that the Africa Bureau continues close partnership and coordination with the Bureau for Development, Democracy, and Innovation (DDI), the Bureau for Conflict Prevention and Stabilization (CPS), and other bureaus, to provide the most effective assistance in rapidly changing contexts.

Question. What is your assessment of the efficacy of EWER systems as an effective conflict prevention tool in Africa?

Answer. I believe that EWER (Early Warning and Early Response) systems are an important tool that can bolster national, regional, and local efforts to help identify potential hotspots and respond to deteriorating situations. In Africa, regional organizations and other local entities use EWER systems to better equip decision-makers to take preventive action and address cross-border threats, violence risks, and humanitarian disasters.

Question. There are long-standing concerns about the fungibility of U.S. foreign assistance for African countries ruled by authoritarian regimes (e.g., Uganda, Rwanda, Zimbabwe, etc.), particularly for health and food security programs, which account for the overwhelming majority of U.S. assistance on the continent. While this aid advances U.S. humanitarian interests, it can also offset essential budget lines, displace national investment, and enable authoritarian regimes to prioritize military spending, pilfer state resources, and support corrupt patronage networks.

- Do you think it is time for the United States to undertake a comprehensive re-evaluation of the policies, forms, and methods of delivering U.S. foreign assistance in Africa?

Answer. USAID works in very complex environments, and I understand that the Agency's investments in Africa, particularly in health and food security, are structured to be sensitive to local contexts. When providing assistance in the region, USAID works with both U.N. organizations and international and local non-governmental organizations to ensure that support and services go to those most in need.

USAID also utilizes a variety of tools to monitor the delivery of assistance to ensure compliance with all applicable laws and regulations.

Question. What should U.S. foreign assistance policy be towards countries ruled by authoritarian regimes? How can we most effectively deliver aid such that it reaches the intended beneficiaries without enabling the preservation of repressive regimes?

Answer. U.S. foreign assistance in countries with authoritarian regimes should work to improve the lives of individuals, through health, WASH, humanitarian, and other efforts while working to empower and protect citizen voices to demand greater rights and democracy. This is best accomplished through civil society support, often beginning with capacity building efforts in service provision, while improving the ability of local civil society organizations (CSO) to advocate for citizenry. Work with these groups can also be nimble and quick to react to democratic openings, allowing CSOs to pivot to democratization efforts, building on the trust that already exists between them and the communities they represent. USAID assistance should continue to take its cues from local partners to ensure it is as effective as possible while managing risk appropriately.

Question. While programs like the Young African Leaders Initiative (YALI) and the initiative's Mandela Washington Fellowship are vital, what can USAID do to expand its reach and effectively engage with Africa's enormous youth population?

Answer. I understand that USAID Missions in Africa engage youth not only through the YALI initiative, but in the co-creation, design and implementation of various sector activities, from civic engagement to preventing climate change, to improving access to healthcare, and increasing skills that can be applied to work, problem-solving, and well-being. Evidence shows that youth-integrated development contributes to greater economic growth, democracy, and stability. Through continued USAID engagement with youth as partners to initiate, lead, and actively participate in activities, African youth will gain improved skills for making positive changes in their lives, gain assets to provide for themselves and their family, and contribute value to their local community. I also see opportunities as USAID Missions in Africa increase requirements for implementers of youth programs to build the capacity of and engage with youth-led organizations as sub-grantees.

Question. Beyond student exchanges, how can the United States best position itself to partner with African nations to engage their young people and build long-term partnerships with Africa's next generation of decision-makers, business partners, and allies?

Answer. I understand that many recent Country Development Cooperation Strategies (CDCS) in Africa support an intentional focus on youth. This strategic direction is the foundation for increasing youth programming that prepares youth for success in civic, political, and social engagements. More broadly, USAID's African Missions are building on experiences working with young people and local communities to create thoughtful and deliberate program designs that ensure the inclusion of youth as leaders and to be directly involved in opportunities that can open the window for a demographic and democratic dividend and catapult long-lasting sustainable economic growth and human development.

Cameroon

Question. The Anglophone conflict in Cameroon is one of the world's most neglected yet intensely brutal conflicts. The United States has employed many diplomatic tools at its disposal, including the suspension of most security assistance and AGOA eligibility, yet the war continues.

Simultaneously, USAID's programming is limited in Cameroon on all fronts, with humanitarian aid focused on the complex emergency in the Lake Chad Basin (affecting Cameroon's Far North) and humanitarian impacts of conflict in the Northwest and Southwest. There is a notable shortage in conflict, democracy, and human rights programming to address both the Anglophone Crisis and the significant challenges to democratic reform at the national and local levels.

- What tools does the United States have at its disposal through USAID to encourage a peaceful and enduring resolution to the Anglophone conflict in Cameroon and support democracy and human rights nationwide? If confirmed, what tools do you intend to deploy?

Answer. USAID supports diplomatic efforts deployed by the Department of State and other international actors to reach a peaceful resolution between the Government of Cameroon and Anglophone separatists in the northwest and southwest regions of the country. USAID is addressing immediate humanitarian needs in this

region through assistance focused on emergency food, health, and other lifesaving support to vulnerable populations, such as internally displaced persons. I understand USAID issued a new democracy and governance activity to strengthen civil society capacity and empower women's role and agency in the Far North Region.

If confirmed, I will work with my team to explore additional opportunities to advance democracy, human rights, and governance, with thoughtful analysis to ascertain when there is opening space and an enabling environment to deploy more activities in this sector.

Question. How can USAID assistance support other international efforts to bring about peace and greater stability to Cameroon?

Answer. I know from my prior experience that Cameroon is strategically placed in a geographic neighborhood rife with conflict and population displacement, due to an evolving insurgency and internal governance and cohesion shortfalls. As I understand it, donors are supporting Cameroon via interventions to respond to and mitigate the impacts of the various crises exacerbated by the instability in the Lake Chad Region in the North, the Central African Republic (CAR) refugee situation in the East, and Cameroon's internal civil conflicts in the Northwest and Southwest. I am aware that besides the USG, Cameroon is obtaining support from the European Union, Agence France Development, the World Bank, and the United Nations. I know that USAID humanitarian resources complement efforts by other USG agencies and other donors working towards durable solutions that strengthen community resilience, bolster the role of women and youth, and enhance the capacity of civil society organizations.

If confirmed, I will work to synergize and enhance the impact of assistance interventions to support peace and stability, in close coordination with the USG, international donors, host country partners, and civil society.

Democratic Republic of The Congo

Question. Following controversial 2018 elections in the Democratic Republic of the Congo (DRC), the United States publicly and adamantly backed President Tshisekedi. It supported efforts to reform and challenge the status quo established by former President Kabila. While in 2018 USAID invested in programs in DRC to support the electoral process (on a relatively limited basis), including with civil society, media, political parties, domestic and international observers, and the election commission, the hesitancy by the U.S. and our European partners to invest fully in the 2018 elections was understandable. However, given the U.S.' staunch support of President Tshisekedi and the Privileged Partnership for Peace and Prosperity (#PP4PP), it will be even more critical that DRC's next elections are credible.

- In your view, has USAID sufficiently invested in the 2023 electoral process in DRC?

Answer. I understand that USAID is investing $12.65 million in DRC, subject to the availability of funds, to strengthen transparency and electoral administration, improve civic education, empower communities to participate in elections, and support marginalized communities to understand and access political processes. USAID is also supporting civil society and media to raise awareness and counter misinformation about electoral and political processes. In addition, USAID plans to fund international and domestic observation and conduct public opinion polling to enable greater understanding of the priorities of the broader public, and to inform politicians of their popularity, ahead of the elections. This work will be essential in supporting a credible election process in 2023.

Question. In your view, how can USAID best support democratic reforms in the DRC, including by enhancing prospects for free, fair, and transparent elections in 2023?

Answer. USAID supports democratic reforms by promoting peace and stability in eastern DRC, increasing transparency throughout the country, and working to ensure that elections are free, fair, and credible. It is my understanding that in an effort to strengthen the foundation for durable peace, USAID is mobilizing communities in eastern DRC to prevent and resolve conflicts; improving accountability and effectiveness of service delivery by government institutions; promoting economic growth and inclusion; and reducing drivers of conflict and support for armed groups. At the same time, USAID is strengthening anti-corruption throughout its programming and working with civil society to oversee budgets and expenditures.

Question. In your view, what is the role of USAID in the Privileged Partnership for Peace and Prosperity (#PP4PP)?

Answer. The PP4PP+Protection of the Environment is a platform under which all USG activities operate. For USAID, the focus is to bring an end to the decades-long conflict in eastern DRC, help set the DRC on the path to sustainable and equitable economic and social development, improve the effectiveness, accountability and responsiveness of governance at all levels, and encourage and sustain the DRC Government's decision to make the U.S. its partner of choice in trade; and in foreign policy where there are shared interests. It also provides a platform to put management and utilization of the rich natural resource base of the DRC on a permanent path to sustainability.

Question. How can USAID better support anti-corruption reforms in DRC?

Answer. I understand that USAID is leveraging the Government of DRC's (GDRC) commitments to anti-corruption and rule of law, which are embedded throughout USAID's programs. After a nine-year pause, due to President Kabila's control of the judiciary, USAID is re-engaging with a $15 million investment to improve the Administration of justice and tackle corruption. USAID is also leveraging the GDRC's public financial management strategy, where the International Monetary Fund and World Bank conditionalities incentivize the GDRC's reform, including strengthening safeguards against corruption. If confirmed, I will work with my USAID colleagues to continue to work with sub-national governments to reduce opportunities for corruption by tracing and managing revenues, including those from the extractive industries, and ensure community and civil society participation in planning and oversight of those resources.

Kenya

Question. Kenya will have elections in 2022. In your opinion, is planned USAID support to Kenya's electoral process adequate?

Answer. As a longtime partner of Kenya and its people, I understand that the United States is implementing a robust strategy to support local stakeholders as they work to improve Kenya's electoral processes. USAID plays a key role in these efforts. Its activities include support to strengthening the institutional capacity of electoral institutions, advocacy around electoral reforms, election violence early warning and prevention, voter education, increasing the participation of women and youth in electoral processes, and local and international elections observers. If confirmed, I am committed to working with my State Department counterparts to support Kenya's efforts to conduct free and fair elections that are credible, peaceful, and reflect the will of the Kenyan people.

Somalia

Question. The United States has emphasized the need for one-person-one-vote direct elections in Somalia and has provided support through USAID and other channels toward that end. However, after significant delay, high tensions, and political games, the country is pursuing an indirect selection process for members of parliament and the office of the president instead of a direct election.

- Do you believe the United States, and subsequently USAID democracy and governance programming in Somalia, held overly ambitious expectations for Somalia's electoral processes since the selection process of 2016/2017, given the circumstances on the ground?

Answer. My understanding is that following the 2016/17 indirect selection process, the Somali Government and international community jointly set a goal for holding universal suffrage, one-person, one-vote elections in 2020. This goal was ambitious given, for example, the fact that certain areas of the country remain inaccessible for the purpose of conducting elections. Nevertheless, following two successive, peaceful transfers of power, it was reasonable to expect a more democratic and inclusive electoral process in 2020.

Question. What is your view of prospects for democratic direct elections in Somalia in the future, particularly given Somalia's persistent security and governance challenges?

Answer. Progress toward universal suffrage, one-person, one-vote elections remains the best path for Somalia to move beyond the current system. Despite the disappointment of the 2020 electoral process, the success of recent pilot direct local elections in three districts in Puntland offer hope that such progress is possible, particularly at the sub-national level. I understand that USAID intends to collaborate with key Somali stakeholders and other donors to build on the recent success in Puntland. That engagement will seek to establish a critical mass of examples of inclusive governance at the sub-national level to demonstrate what democratic governance can deliver, and thereby build a growing constituency for eventual democratic,

direct elections at the national level. These efforts will be complemented by support for a national dialogue mechanism to constructively debate and eventually agree upon the precise nature of Somalia's federal model, including power- and resource-sharing.

Question. How will the failure of Somalia's election process impact the direction of USAID development assistance to Somalia under your leadership of the Africa Bureau?

Answer. The 2020 elections exposed the fragility of Somalia's negotiated political settlement. I understand that USAID intends to capitalize on the success of recent pilot direct local elections in three districts in Puntland to build a growing constituency for democratic processes in Somalia. This will be critical to demonstrate the worth and viability of democratic elections to the people of Somalia. I am also aware that USAID investments in Somalia focus on two critical priorities: (1) addressing the structural conditions that allow violent extremist organizations such as al-Shabaab to maintain a foothold in Somali society; and (2) reducing chronic humanitarian need. These priorities are highly relevant to the advancement of U.S. interests in Somalia.

Question. As Assistant Administrator for Africa, if confirmed, how will you approach tailoring development assistance to the dramatic variations in capacity across Somalia's regions and federal member states, to include Somaliland?

Answer. I understand that USAID investments in Somalia focus on two critical priorities: (1) addressing the structural conditions that allow violent extremist organizations such as al-Shabaab to maintain a foothold in Somali society; and (2) reducing chronic humanitarian need, which compromises the wellbeing and stability of the Somali people and costs the U.S. taxpayer about $450 million annually. USAID engages with all regional administrations within the parameters of the U.S. Government's single Somalia policy. Progress should be encouraged, and if confirmed, I will work to ensure USAID remains strongly committed to finding practical ways of leveraging multilateral investments, particularly World Bank resources, to benefit all Somalis, including those in Somaliland.

South Sudan

Question. South Sudan has been a U.S. priority issue for decades. Throughout this troubled history, the United States has provided strong support for the peace process in an attempt to resolve Sudan and then-Southern Sudan's decades-long civil war, preparations for South Sudan's separation and independence from Sudan, and the provision of extensive U.S. humanitarian and development assistance (upwards of $1 billion per year)—including the years since the outbreak of South Sudan's civil war in 2013.

- What is your assessment of U.S. assistance provided to South Sudan since 2005/2011?

Answer. I understand that the United States, through USAID, has been the largest donor of foreign assistance to the South Sudanese people for decades, including during Sudan's north-south civil war, implementation of the 2005 Comprehensive Peace Agreement, the process that led to South Sudan's independence, and the civil war that erupted in South Sudan in 2013. Since South Sudan's independence in 2011, the United States has provided over $7 billion in humanitarian and development assistance to support the people of South Sudan. U.S. assistance has been essential to saving lives, recovering livelihoods, providing protection to civilians and basic education and health services, building resilience to shocks, and supporting democracy, human rights, and governance through civil society and independent media.

Question. Has U.S. assistance contributed to or hindered the achievement of U.S. policy goals for South Sudan?

Answer. U.S. assistance contributes to the objectives outlined in the Integrated Country Strategy for South Sudan, including support for the peace process, delivery of humanitarian assistance to meet the needs of communities in crisis and save lives, and sustainable economic and social development to increase resilience to climate- and conflict-driven shocks.

Question. What is your perspective on the U.S. assistance review, announced in 2018, for South Sudan?

Answer. I understand that the goal of the South Sudan assistance review announced in 2018 was to ensure that U.S. foreign assistance does not contribute to or prolong the conflict, nor facilitate predatory or corrupt behavior. These concepts

are critical. As part of that, USAID, along with others in the interagency, participated in the collection and analysis of information that was handed over to the interagency for review. If confirmed, I commit to deepening my understanding of the review and its results.

Question. If confirmed, how would you support action on the findings of the assistance review?

Answer. If confirmed, I will collaborate with the interagency on how best to proceed following the assistance review. I share Congress' concerns about the ongoing conflict and corruption in South Sudan, and will work to ensure transparency and oversight of USAID funding and activities.

Question. If confirmed, as USAID Assistant Administrator for Africa, how will you engage with the State Department and other members of the interagency to review the U.S. approach to South Sudan, taking into consideration the extensive humanitarian and development assistance provided over the last two decades?

Answer. I understand there is a long history of positive collaboration between USAID and the interagency on U.S. assistance and the U.S. policy approach to South Sudan. If confirmed, I will collaborate with the State Department and interagency colleagues on assistance and policy priorities, including encouraging the Government of South Sudan to create an enabling environment for safe delivery of humanitarian assistance to people in need.

Question. Is a change in humanitarian assistance—to address emergency needs in response to shocks and to address long-term humanitarian challenges—needed for South Sudan?

Answer. I understand that humanitarian need in South Sudan is at its highest level since independence due to ongoing conflict, displacement, and flooding. USAID humanitarian assistance targets the most vulnerable populations, which includes children and pregnant women at risk of malnutrition, internally displaced persons, and returnees. USAID and partners continuously review the effectiveness of its humanitarian operations in South Sudan to ensure the life-saving assistance we provide is reaching the most vulnerable in a principled, conflict-sensitive way. USAID's current strategy seeks to layer humanitarian and development assistance in the highest need pockets of the country. This strategy reflects efforts to increase household and community resilience to shocks and improve social cohesion, with the goal of reducing humanitarian needs.

Sudan

Question. The ouster of longtime President Omar al-Bashir in April 2019 and the installation of a power-sharing government between the Transitional Military Council and the civilian Forces for Freedom and Change served as a historic moment not just for the Sudanese people but also the U.S.-Sudan bilateral relationship. At the end of 2020, the United States reached a bilateral agreement with Sudan due to negotiations over lifting Sudan's State Sponsor of Terror Designation and for Sudan's participation in the Abraham Accords. As part of the bilateral agreement, $700 million in foreign assistance was committed to South Sudan in the 2020 omnibus spending bill. The coup on October 25, 2021 however, halted the vast majority of U.S. assistance to Sudan's transition, and discussions about a change in approach remain underway.

- How should the United States prioritize its assistance to Sudan, including the $700 million in aid noted above?

Answer. USAID, as a key implementing agency of this U.S. Government funding, should prioritize its assistance to Sudan, including from the $700 million assistance package, to focus on programming that will help ensure a return to the democratic transition as the Sudanese people have so strongly called for through ongoing, large-scale protests following the military takeover in October. Specifically, assistance should be prioritized in three key areas: 1) strengthening civilian political leadership; 2) protecting human rights, including freedom of expression and assembly; and 3) supporting the Sudanese people's demand for an end to their military's long-standing domination of politics and the economy. Additionally, if the political transition moves forward and the security context improves, investment in the agricultural sector would set the stage for greater economic expansion and connectivity to markets in urban centers, further improving food security and job creation throughout the country. It is my understanding that conversations are ongoing within the Administration on the prioritization of the $700 million in aid noted above. If confirmed, I commit to consulting with Congress on prioritization of assistance in Africa, including in Sudan.

Question. Will you ensure that a sufficient amount of this assistance will support U.S. democracy and governance strengthening initiatives in Sudan, without providing direct assistance to the current regime in Khartoum or any other government in Khartoum that is not legitimately civilian-led?

Answer. Yes. While a democratic transition will not be linear and success remains uncertain, the U.S. Government must be positioned to adjust the tools at its disposal. Initiatives that strengthen democracy and governance in Sudan are of utmost importance to ensuring that a democratic transition can occur, and I understand this is a key aspect of USAID strategy and programming. Since October 2021, I understand that USAID has worked closely with implementing partners to pivot democracy programming toward non-governmental actors, including an even greater focus on civil society, the media, and others who support democratic governance in Sudan. If I am confirmed, I commit to doing everything in my power to ensure that U.S. assistance does not benefit the current government or any other illegitimate government that is formed without the consent of the Sudanese people.

Zimbabwe

Question. While there was hope that the end of Mugabe's 37-year reign as president of Zimbabwe would usher in democratic and economic reforms, the four years of leadership under President Mnangagwa have demonstrated a continuation, if not worsening, of human rights abuses, financial mismanagement, and kleptocratic behavior of the ZANU-PF regime.

- From your perspective, what tools does the United States have at its disposal that are underutilized to encourage democratic and economic reforms in Zimbabwe?

Answer. It is my understanding that within the last year, the interagency established a working group to examine this exact question. The State Department is bringing new analytical and diplomatic tools to the collective USG effort on Zimbabwe. USAID has identified public interest litigation, specifically on electoral law procedure, as another way the Agency can push for reform. The Zimbabwe Mission has begun implementation of these activities and sees potential for expansion. If confirmed, I commit to monitoring this issue.

Question. An area of considerable debate has been the value of reincorporating political party programming into the portfolio of U.S. democracy assistance to Zimbabwe. Do you commit to reviewing USAID's posture on political party support in Zimbabwe?

Answer. Yes, and I am aware that this has been an ongoing discussion between USAID and the State Department. If confirmed, I commit to USAID's continued review and exploration of this option, recognizing its potential risks and benefits.

Question. If confirmed, would you support the investment of resources into enhancing investigative journalism and research to better understand Zimbabwe's corruption and kleptocratic networks?

Answer. Yes. I understand that USAID awarded a new program focused on enhancing investigative journalism in Zimbabwe in September 2021. It will increase the capacity of the media to hold powerful state and non-state actors accountable for their acts and omissions. The program also aims to strengthen citizen participation in public life and spur demand for accountability by improving citizens' access to timely and reliable information. Further, it is my understanding that USAID is in the process of designing a new anti-corruption activity that will have a focus on enhanced investigative journalism of corruption.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. REBECCA ELIZA CONZALES BY SENATOR JAMES E. RISCH

Question. Do you believe that we should rebalance certain countries' diplomatic presence in our country in the name of reciprocity, given their actions against our diplomats in theirs?

Answer. If confirmed, I will review certain countries' diplomatic presence in the United States and compare it to the U.S. presence overseas. Depending on the results of the analysis, I would then work with all stakeholders, as applicable, to explore any possibilities of leveraging reciprocity to rebalance the diplomatic presence if such rebalancing would be in the interest of the United States.

Question. In your view, where should diplomatic immunity end? What crimes committed by foreign diplomats in the U.S. "cross the line" and should merit prosecution?

Answer. Persons enjoying immunity from the jurisdiction of the host country's laws nonetheless have a duty to respect those laws, which is something I respected in my career as a foreign service officer serving overseas. Immunity is not a license for misconduct. If confirmed, you have my commitment that I will ensure that the Department of State's Office of Foreign Missions' responsibilities under the Foreign Mission Act are met, including protecting the U.S. public from abuses of privileges and immunities by members of the foreign missions in the United States.

Question. Is it acceptable for foreign diplomats to facilitate the departure from the U.S. of their citizens who have been charged with serious crimes, before they go through the American justice system?

Answer. From my perspective, individuals should be held accountable for actions that they take, consistent with any applicable immunity under international law. It is my understanding that the Office of Foreign Missions (OFM) works closely with other Department offices and law enforcement to ensure appropriate consequences under international law for anyone who enjoys immunity in the U.S. and is alleged to have committed a crime. It is my understanding that OFM pursues appropriate action to protect the U.S. from potential abuses of immunity by members of foreign missions in the United States. If confirmed, you have my commitment to continue to do so.

Question. If you are confirmed for this position and if a similar situation as described above occurs during your tenure, what actions will you take?

Answer. If confirmed, I will ensure that protecting the U.S. public from potential abuses of diplomatic immunity and privileges remains one of OFM's highest priorities and in doing so, I will consider the range of tools under the Foreign Missions Act.

Question. Do you believe that there are any institutions in the United States that have not been designated as "foreign missions" but should be?

Answer. The Foreign Missions Act establishes a broad framework for considering whether particular actions are in the best interests of the United States, including but not limited to considerations of reciprocity, national security, and international legal obligations. If confirmed, I will collaborate with my team in the Office of Foreign Mission, the Department, and any applicable interagency partners to review the possible designation of other entities as needed.

Question. Likewise, do you believe that there are any institutions in the U.S. that have been wrongfully designated as "foreign missions?"

Answer. If I am confirmed, I intend to review the existing designations in consultation with my team and, if warranted, I will take any appropriate steps to update any designations as needed.

Management is a Key Responsibility for Chiefs of Mission

Question. How would you describe your management style?

Answer. I have had the opportunity over my thirty-six-year career to observe various management styles. My management style is based on these observations, my experience, and the situation at hand. Every individual has unique talents and experiences and has something valuable to contribute. I embrace diversity, inclusion, and collaboration. I also recognize that there are times that I must make immediate decisions due to life, safety, or other compelling reasons. I strive to be a decisive, kind, and courageous manager. My interactions are based on courtesy and respect. I began my State Department career as a GS-3 Secretarial Assistant, became an ambassador, and am now being nominated as the Director of the Office of Foreign Missions. I could have not accomplished this without the support of my subordinates, mentors, and supervisors. If confirmed, I will use my experiences and achievements over the last thirty-six years to unify and empower the team. I want the team to thrive, learn and grow. I look forward to learning and working with the Office of Foreign Missions staff as they continue their outstanding work.

Question. How do you believe your management style will translate to the Office of Foreign Missions?

Answer. The Office of Foreign Missions is comprised of staff with diverse backgrounds and a wealth of experience. Staffing currently includes Civil Service Officers, Foreign Service Officers, and contractors. If confirmed, I will use my collaborative management style and experience to empower and draw on each employee's

expertise and talent to contribute to the overall mission of the Office and the State Department. I will also collaborate with other stakeholders, to include local and state governments, Congress, and other national security partners. If confirmed, I will use a whole of government approach to execute the responsibilities of the Office of Foreign Missions and to protect our national security/foreign policy interests and the American public.

Question. Do you believe it is ever acceptable or constructive to berate subordinates, either in public or private?

Answer. No. It is never acceptable or constructive to berate subordinates in any setting. In every instance and interaction every individual needs to be treated with dignity and respect.

NOMINATIONS

THURSDAY, APRIL 7, 2022

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

The committee met, pursuant to notice, at 10:03 a.m. in Room SD–106, Dirksen Senate Office Building, and via videoconference, Hon. Christopher Murphy presiding.

Present: Senators Murphy [presiding], Menendez, Coons, Kaine, Markey, Booker, Schatz, Van Hollen, Romney, Young, Cruz, and Hagerty.

OPENING STATEMENT OF HON. CHRISTOPHER MURPHY, U.S. SENATOR FROM CONNECTICUT

Senator MURPHY. Good morning, everyone. The hearing of the Senate Foreign Relations Committee will now come to order.

Thank you for the participation of our witnesses in this important hearing. We are going to be in the middle of votes throughout the hearing, but in the interest of your time we are going to try to work through this hearing, and Senator Romney and I and Senator Schatz will go back and forth to votes. We will have other colleagues joining us over the course of the morning.

Today we are considering four nominations: Caroline Kennedy to be Ambassador to the Commonwealth of Australia; Philip Goldberg to be Ambassador to the Republic of Korea; MaryKay Carlson to be Ambassador to the Republic of the Philippines; and Marc Nathanson to be Ambassador to the Kingdom of Norway.

Let me begin by welcoming our nominees and your families. We are thankful for your willingness to serve.

I am going to give some brief opening remarks, hand it over to Senator Romney, and we have a few of our colleagues to help us with introductions.

If confirmed, you are all going to take your oath of office at a critical point in world history. Just this week, we have seen the horrific images from Ukraine. We have seen a country turned into a crime scene where there is irrefutable evidence of brutality against civilians by Russia's forces. These actions demand accountability, both for the soldiers who perpetrated these atrocities and the officials in the Kremlin who ordered them.

We have seen countries from around the world step up to impose unprecedented costs on Russia for its unjustified and unprovoked war of aggression on Ukraine. Last month, each of the four countries we are here to talk about today joined an overwhelming majority of the world at the U.N. General Assembly in condemning

the Russian invasion and supporting greater humanitarian access in Ukraine. We know that maintaining that unity amongst allies and partners will be crucial.

Ambassador Kennedy, let me begin by thanking you for your continued service to this country, and let me say a few words about Australia, one of our most important partners in the Indo-Pacific.

The recently announced AUKUS security pact, of which I am a great champion, takes our bilateral partnership to a new level and will further advance the exchange of defense capabilities, including supporting the acquisition of nuclear-powered submarines for the Australian Navy. But our cooperation goes far beyond the security sector. President Biden has placed a priority on strengthening the region, coordinating the power of the Quad so that the United States and Australia, along with the other members, can help work together on COVID–19 vaccines, climate change, technological innovation, and regional competition. The Quad format shows tremendous promise in its ability to convene regional democracies to solve collective challenges and to present a contrast to China's increasingly assertive posture in the Indo-Pacific.

Ambassador Goldberg, as you well know, throughout your wealth of experience in the Foreign Service, South Korea is one of our oldest and most important partners in Asia. Since 1953, our Mutual Defense Treaty has been ironclad. We now have nearly 30,000 troops based in South Korea, and I applaud the Administration's success in negotiating a new cost-sharing agreement with the South Korean Government.

After competitive elections that ended last month, which included not only contentious debate on domestic issues but also outlined competing policies on how South Korea will address the challenges from North Korea and China, there is going to be a new president taking office in May, and we look forward to working with you as you tell us more about how you are going to work with the incoming president.

Ms. Carlson, the United States and the Philippines have a special relationship through shared history, cultures, defense cooperation, economic relations, close people-to-people ties. The Philippines' strategic location bordering the South China Sea in proximity to Taiwan undergirds the importance of our defense relationship. They have been a major non-NATO ally since 2003.

Despite those close security ties, democratic backsliding throughout the course of President Duterte's time in office has been troubling. Senator Schatz and I were part of the first congressional delegation to meet with President Duterte in Manila shortly after his election. In that meeting, he was crystal clear about his objectives to use any means possible to wage war on drug dealers and drug users, but the execution-style violence he has employed, frankly, surpassed my worst expectations. President Duterte called President Putin his idol, a personal friend, while claiming that the Philippines would remain neutral in response to Russia's invasion of Ukraine.

Mr. Nathanson, the United States and Norway enjoy a long tradition of strong ties based on our shared democratic values. We share an interest in addressing the problems posed by climate

change, particularly with respect to the Arctic and collaborating with other Arctic states.

On the security side, Norway, as you know, is a founding member of NATO. It has been a crucial partner with us in strengthening the eastern flank of that alliance in response to Russia's invasion of Ukraine.

Norway is also the world's third largest exporter of natural gas, and the fifth largest petroleum exporter, and is poised to play a critical role in stabilizing energy markets that are roiled by Russia's war in Ukraine.

These are incredibly important bilateral relationships made more important by the crisis that our friends in Ukraine are embroiled in today, and we look forward to having a robust discussion with you today about these important posts.

We have a few of our colleagues here to help us with introductions, and so before we do that, let me turn it over to Senator Romney for opening remarks.

STATEMENT OF HON. MITT ROMNEY,
U.S. SENATOR FROM UTAH

Senator ROMNEY. Thank you, Mr. Chairman. And thank you, those of you who are willing to serve our country yet again in our service overseas.

This is a critical time in the world's history. I met with leaders from an international body yesterday, and they said in some respects this is unprecedented. We have war at the same time we have famine, and at the same time we have a pandemic, all three hitting the world at the same time. And you will each represent our interests in parts of the world that are critical to promoting America's interests around the world.

There are some who think we should simply forget the world and just return home and only think about what is happening here. I happen to believe that if we are truly interested in America's interests first, that means we need to be extensively involved in the world, making sure that the cause of freedom persists such that we can enjoy the economic vitality and peace that has been associated, in large measure, with the last 70 years.

And I want to thank each of you for your willingness and that of your families to be willing to serve yet again. You have been nominated to serve in countries that are obviously very important allies to the U.S., and those partnerships are going to become more important in the years ahead.

The Honorable Ambassador Caroline Kennedy will be going to Australia. As she knows, Australia is our steadfast partner and among our most important allies historically and today. Our partnership will remain critical in maintaining a free and open Indo-Pacific.

I hope, Ambassador Kennedy, that you are going to be able to work with our friends in Australia to identify new opportunities for bilateral and multilateral cooperation, and to strengthen the already strong Quad relationship which we have.

The Honorable Philip S. Goldberg, South Korea, as you know, is our most important ally in dealing with the ongoing threat of North Korea, and we need to work together to deter North Korea's

aggression, to push the Democratic People's Republic of Korea to abandon its nuclear weapons program, to stop its belligerent actions, and to cease its illegal activity.

Of course, our partnership goes beyond this single common threat. I hope you will also approach your time as ambassador to recommit to our partnership and to find new ways to advance the interests which we have among freedom-loving countries and nations that follow the rule of law to encourage China to begin to abide by those common rules.

Ms. MaryKay Loss Carlson, if confirmed, you will be stepping into a vital role and will be tasked with perhaps rebuilding and strengthening our relationship with the Philippines. As the Chairman has just indicated, our relationship with the Philippines has been strained with the current president expressing points of view which are antithetical to those which many of us hold. We are happy to see that the Visiting Forces Agreement was restored last year. We clearly have a good relationship with those who have the long-term interest of the region in their sights. I hope that you will be able to work with our friends in the Philippines to find a much better path forward with regards to our common interest in human rights.

Mr. Marc Nathanson, I do not need to tell you that NATO is pleased to have Norway as an important ally. Its geopolitical significance will only become more important as Russia and China attempt to change the rules of the road, particularly as they relate to their presence in the Arctic. I hope you will use your time as ambassador to strengthen our cooperation with Norway, especially on those Arctic issues. And additionally, I hope you will be able to work with our Norwegian allies to develop common or complementary responses when faced with threats from Russia and China.

So, to all of you, I appreciate your willingness to serve. It is a real commitment, and I hope the American people recognize that on the part of you and your families to go serve our country in a foreign place with so much happening in the world represents a sacrifice on your part and is one which I personally, and I think all members of our committee, deeply appreciate.

Thank you, Mr. Chairman.

Senator MURPHY. Thank you, Senator Romney.

Let me now turn to Senator Markey for purposes of an introduction.

STATEMENT OF HON. EDWARD J. MARKEY, U.S. SENATOR FROM MASSACHUSETTS

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

It is my pleasure to introduce Caroline Kennedy, who is nominated to be our next Ambassador to the Commonwealth of Australia.

Joining her in person is her husband Ed and her son Jack, who, like mom, once graced these halls as a Senate intern. We welcome them today as we all recognize Caroline Kennedy's tremendous achievements in diplomacy.

Watching on this committee's livestream no doubt are Ambassador Kennedy's two daughters, Rose and Tatiana.

Caroline Kennedy has statesmanship and public service in her DNA, public service to kids in New York City, public service in support of what her father called the moral cause of civil rights, and public service as our Ambassador to Japan. She embodies the strength, integrity, poise, and humor that is necessary to serve our country in consequential times.

Caroline was not a conventional ambassador. She has been a trailblazer as the first woman to serve as U.S. Ambassador to Japan. She used her megaphone to champion the rights of women, to deepen our alliance with Japan, and to skillfully navigate the key touchpoints in the bilateral relationship.

She did the unconventional, from a bike ride to lift spirits ravaged by the 2021 earthquake, to donning a Santa Claus hat to reach youths on YouTube.

But she also excelled in her more traditional duties. Japanese Foreign Minister Kishida, who is now Prime Minister of Japan, said of Caroline, "She was an exceptionally tough negotiator." As a best-selling author and student of history, Caroline Kennedy was mindful of symbolism. President Kennedy's boat was sunk by the Japanese in World War 2, the same war that saw the attack on Pearl Harbor and later the first and only use of nuclear weapons that ended the war at a great cost.

As Ambassador to Japan, Caroline played a key role to reconcile the painful legacy of war by facilitating President Barack Obama's historic visit to Hiroshima and helping Prime Minister Abe communicate directly with the American people at Pearl Harbor.

Ambassador Kennedy is a fantastic pick for another key ally, Australia, the democratic anchor in the Indo-Pacific. Caroline and other members of her family started the Profiles in Courage Award in 1989. Past recipients include George Herbert Walker Bush, Ambassador Robert Bord, and a member of this committee, Senator Mitt Romney.

As an educator, author, philanthropist, ambassador and, most of all, a proud mother, Caroline's life has been and will continue to be what we all believe is a profile in courage.

And as Chair of the East Asia Subcommittee, it has been my pleasure to work with Caroline Kennedy in her role in the Asia region, and I am proud to support my friend, Caroline Kennedy, for this important post. She will do an absolutely great job. I urge swift confirmation for Ambassador Kennedy to this new and critical post.

Senator MURPHY. Thank you very much, Senator Markey. We know that votes are pending on the floor, and we appreciate you providing the introduction.

Let me give some brief introductions of our other guests here today. We may be joined by another colleague for help in those introductions, and then we will begin with testimony from our witnesses.

We are also joined here today by Ambassador Philip Goldberg, our nominee to be Ambassador to Korea. Ambassador Goldberg is completing his current assignment as Ambassador to Colombia after previously serving at our Embassy in Cuba and as our Ambassador to the Philippines.

After that, we have Ms. MaryKay Loss Carlson, the nominee to be Ambassador to the Philippines. Ms. Carlson is a career member of the State Department's Senior Foreign Service, having most recently served as the chargé in Argentina.

And finally, Mr. Nathanson is nominated to be Ambassador to Norway. We are grateful for his significant service in the private sector, his active participation in matters of foreign affairs. We are grateful to have him before the committee, and I think we will have a supplemental introduction.

Let us start with you, Ambassador Kennedy. We welcome your opening remarks, and then we will go down the panel. Just make sure your microphone is on.

STATEMENT OF HON. CAROLINE KENNEDY OF NEW YORK, NOMINATED TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF AUSTRALIA

Ambassador KENNEDY. Mr. Chairman, thank you, Ranking Member Romney, members of the committee. I want to also thank my friend, Senator Markey, for his very kind introduction and for being here today.

It is an honor to appear before you this morning as the President's nominee to serve as United States Ambassador to Australia. I am grateful for the consideration of this distinguished committee, and I look forward to answering your questions and hearing firsthand your thoughts and concerns about our vital relationship with Australia.

If confirmed, I look forward to working with you and other members of Congress to advance the interests of the United States, protect the safety of our citizens, and strengthen the bilateral relationship for the benefit of both our countries.

I would like to thank my family for their support during this process, and their enthusiasm for this mission. My husband Ed and my son Jack are here with me, and my daughters and my new grandson are watching from home. Ed and I visited Australia on our honeymoon, and we were thrilled to return as a family in 2014.

I am humbled by this opportunity and the chance to be here today. I will always be grateful to the Australian coast watchers and Solomon Islanders who rescued my father during World War 2, and I know he hoped to be the first sitting president to visit Australia during his second term. If confirmed, I hope to be able to carry that legacy forward in my own small way. Whenever I come to the Senate, I feel the presence of my Uncle Teddy whose devotion to this institution, to his colleagues, and to our country was an inspiration to generations of Americans, and whose love and support meant the world to me.

I can think of no greater privilege than serving my country abroad. From 2013 to 2017, as Ambassador to Japan, I was proud to advocate for American ideals in a country that, like Australia, shares our commitment to democracy, human rights, and the rule of law. I gained broad exposure to the changing dynamics in the Indo-Pacific region: the increasing security tensions and evolving demands on the U.S. military; the rising trade, economic, and climate challenges; the importance of working with U.S. allies and

partners; and of building support for people-to-people ties among younger generations. These challenges have only become more urgent during the past five years.

I also appreciated the opportunity to work closely with our talented diplomats and local staff, and I believe all these experiences will help me to be successful if I am confirmed to this position.

Before serving abroad, I worked to make history more accessible and inspire new generations to public service. I spent 10 years working with the New York City public schools to build public-private partnerships, chaired the Harvard Institute of Politics, and the John F. Kennedy Library Foundation, which has honored political courage for the past 30 years, including on this committee. The lessons I learned from these experiences and from writing books on the Constitution, poetry, and civics will help me represent the United States in a world where the liberal international order is being undermined, yet American values are more essential than ever.

There is no country more committed to these values than our close ally and Five Eyes partner, Australia. Australia has fought with us for the past 100 years, and together we mark the 70th anniversary of the ANZUS treaty. Our Marines have rotated through Darwin for the past 10 years. Our future security cooperation will build on this strong foundation. Last year we announced AUKUS, an ambitious 21st century partnership between the United States, the UK, and Australia. If confirmed, I will work hard to further this ground-breaking partnership.

Australia is an essential partner in the Quad, among our most significant diplomatic initiatives in the Indo-Pacific. Together with Japan and India, we are engaging in a range of activities to promote a free and open, secure, and resilient Indo-Pacific. These initiatives include health and climate security and emerging technologies. We also partner closely with Australia on humanitarian assistance and disaster relief, as well as vaccine deliveries across the Pacific Islands and throughout the region.

The United States is Australia's most important economic partner. Our two-way trade has doubled since our Free Trade Agreement went into effect in 2005. We are increasing vital cooperation on critical technologies, rare earth minerals, supply chain resilience, and energy transformation.

As we emerge from the restrictions of the past two years, Americans and Australians are eager to resume their in-person ties of friendship and business and study abroad, which are among the closest in the world. If confirmed, I look forward to working with the talented members of Mission Australia to assist these efforts and ensure that the ties between our two countries grow even stronger in the coming years.

Thank you again for the opportunity to appear before you today, and I look forward to your questions.

[The prepared statement of Ambassador Kennedy follows:]

PREPARED STATEMENT OF HON. CAROLINE KENNEDY

Mr. Chairman, Ranking Member Romney, members of the committee: It is an honor to appear before you this morning as the President's nominee to serve as United States Ambassador to Australia. I am grateful for the consideration of this

distinguished committee, and I look forward to answering your questions and hearing first-hand your thoughts and concerns about our vital relationship with Australia.

If confirmed, I look forward to working with you and other members of Congress to advance the interests of the United States, protect the safety of our citizens, and strengthen the bilateral relationship for the benefit of both our countries.

I would also like to thank my family for their support during this process, and their enthusiasm for this mission. My husband, Ed and my son Jack are here with me, and my daughters and my new grandson are watching from home. Ed and I visited Australia on our honeymoon, and we were thrilled to return with our children in 2014.

I am humbled by this opportunity and the chance to be here today. I will always be grateful to the Australian coast watchers and Solomon Islanders who rescued my father during WW2, and I know he hoped to be the first sitting President to visit Australia during his second term. If confirmed, I hope to be able to carry that legacy forward in my own small way. Whenever I come to the Senate, I feel the presence of my Uncle Teddy whose devotion to this institution, to his colleagues and to our country was an inspiration to generations of Americans, and whose love and support meant the world to me.

I can think of no greater privilege than serving my country abroad. From 2013-2017, as Ambassador to Japan, I was proud to advocate for American ideals in a country that, like Australia, shares our commitment to democracy, human rights, and the rule of law. I gained broad exposure to the changing dynamics in the Indo-Pacific region—the increasing security tensions and evolving demands on the U.S. military; the rising trade, economic, and climate challenges; the importance of working with U.S. allies and partners; and of building support for people-to-people ties among younger generations. These challenges have only become more urgent in the past five years.

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There is no country more committed to those values than our close ally and Five Eyes partner, Australia. Australia has fought with us for the past 100 years, together we mark the 71st anniversary of the ANZUS treaty, and our Marines have rotated through Darwin for the past ten years. Our future security cooperation will build on this strong foundation—last year we announced AUKUS, an ambitious, enhanced, 21st century partnership between the United States, United Kingdom, and Australia. If confirmed, I will work hard to further this ground-breaking partnership.

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Thank you again for the opportunity to appear before you today. I look forward to your questions.

Senator MURPHY. Thank you very much.

Ambassador Goldberg?

STATEMENT OF HON. PHILIP S. GOLDBERG OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER AMBASSADOR, NOMINATED TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KOREA

Ambassador GOLDBERG. Mr. Chairman, distinguished members of the committee, I am deeply honored to be here today as the President's nominee to serve as the United States Ambassador to the Republic of Korea. I am grateful for the confidence shown by President Biden and Secretary Blinken in entrusting me with this important responsibility and, if confirmed, I look forward to working closely with this committee to advance U.S. priorities in the ROK and further strengthen our nearly seven decades-long alliance.

I am honored to be before this committee for the sixth time as a Presidential appointee of both parties, asking for your advice and consent to serve, and deeply appreciate the crucial role Congress plays in the foreign policy process.

I want to thank my family watching and streaming from home, my sister, brothers-in-law, and nieces and nephews for their support and love. I want to thank my colleagues in Bogota, who are no doubt watching, as well as the Korea Desk, friends and colleagues around the world who I have worked with for a long time and who protect our interests overseas and the people of the United States every day. I am honored to be a member of the U.S. Foreign Service.

Since 1953, our alliance with the Republic of Korea has been a linchpin of peace, security, and prosperity in the Indo-Pacific and beyond. Forged during the Korean War and the 1953 Mutual Defense Treaty, the U.S.-ROK Alliance has evolved into a partnership that is comprehensive and global in nature. If confirmed, my top priority will be to strengthen our ironclad alliance, even as we expand the relationship's regional and global reach.

Over the past few years, we have seen Korea act as an important partner in several crises, including in working with the international community to condemn the military coup in Burma, and Putin's unprovoked and unjustified war against Ukraine. The ROK has also joined with the United States in addressing other global challenges, such as COVID–19, global democracy, and our shared climate agenda. The United States needs and welcomes a global Korea, not only to tackle the most pressing challenges of the 21st century, but also to seize this century's greatest opportunities.

Even as the U.S.-ROK relationship has become a pivotal global partnership, we remain focused on our commitment to protect the ROK from external aggression. The U.S. military personnel stationed in the ROK work closely with the Korean military and United Nations Command member countries to deter and defend against the threat from the DPRK, North Korea, and maintain the Armistice Agreement. If confirmed, I will continue to pursue the President's calibrated approach to achieve our goal of the complete denuclearization of the Korean peninsula. To that end, I would also

ensure we continue to consult closely with our Korean, Japanese, and other allies and partners for the full implementation of U.N. Security Council resolutions while exploring the potential for diplomacy.

Our deep economic ties makes the U.S.-ROK relationship unique. The KORUS Free Trade Agreement, which just celebrated its 10-year anniversary, remains the bedrock of our economic relationship, and today Korea is our sixth-largest trading partner. Korean investments in the United States create thousands of high-paying jobs and, if confirmed, I will continue to work attracting investment to the United States to create jobs and prosperity for the American worker.

A keystone of our relationship is our longstanding people-to-people ties. There are now more than 2 million Americans of Korean descent, and they are members of Congress, senior officials in our military, U.S. diplomats, and business and civil society leaders. More than 1.7 million Koreans have studied in the United States, and approximately 26,000 Koreans have participated in U.S.-sponsored exchanges. The American people benefit from and celebrate Korea's rich culture, everything from traditional hallmarks like the hanbok and kimchi, to recent cultural phenomena like BTS and Squid Games. If confirmed, I will work to ensure the bonds of trust and affection between our people remain strong and vibrant.

On March 9th, the ROK held its eighth presidential election since its transition to democracy in 1987. I admire the Korean people's commitment to democracy, and congratulate President-elect Yoon on his election. The U.S.-ROK relationship has blossomed thanks to President Biden and President Moon's leadership, and if confirmed, I will work with President-elect Yoon's administration and the Korean people to continue to push forward our shared vision of a free and open Indo-Pacific, and a world committed to the international rules-based order, democratic principles, and respect for universal human rights.

Ranking Member Romney, I would be honored to lead the outstanding men and women of U.S. Mission in Korea and to work with our military to strengthen our historic alliance. If confirmed, I look forward to working with Congress to continue shepherding our ever-increasing bonds with the ROK to rise to meet the challenges of the 21st century.

I look forward to your questions.

[The prepared statement of Ambassador Goldberg follows:]

PREPARED STATEMENT OF HON. PHILIP S. GOLDBERG

Chairman Murphy, Ranking Member Romney, and distinguished members of the committee, I am deeply honored to be here today as the President's nominee to serve as the United States Ambassador to the Republic of Korea. I am grateful for the confidence shown by President Biden and Secretary Blinken in entrusting me with this important responsibility and, if confirmed, I look forward to working closely with this committee to advance U.S. priorities in the ROK, and further strengthen our nearly seven decades-long Alliance. I am honored to be sitting before you for the fifth time as a presidential appointee of both parties asking for your advice and consent to serve, and deeply appreciate the crucial role Congress plays in the foreign policy process.

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Chairman Murphy, Ranking Member Romney, I would be honored to lead the outstanding men and women of U.S. Mission in Korea and to work with our military to strengthen our historic alliance. If confirmed, I look forward to working with Congress to continue shepherding our ever-increasing bonds with the ROK to rise to meet the challenges of the 21st century.

I look forward to answering your questions.

Senator ROMNEY [presiding]. Thank you so much.

I see that Senator Padilla is here, and so we are going to turn to him so that he will be able to introduce our nominee to be Ambassador to Norway, Mr. Nathanson.

Welcome, Senator Padilla, to the committee, and please proceed.

STATEMENT OF HON. ALEX PADILLA, U.S. SENATOR FROM CALIFORNIA

Senator PADILLA. Thank you, Ranking Member Romney, Mr. Chairman in absentia, and members of the committee. I am glad this worked out. I raced over from EPW to be able to introduce my friend, Marc Nathanson. I am proud to introduce him to this committee. He is a fellow Californian, a fellow Angelino, and President Biden's nominee to serve as United States Ambassador to Norway.

As I hope you have become familiar, throughout his decades-long career Mr. Nathanson has been one of the world's leading communications entrepreneurs, as well as a staunch environmentalist.

Mr. Nathanson earned his Bachelor's degree from the University of Denver, and a Master's degree from the University of California-Santa Barbara, where he was a National Science Foundation Fellow.

In 1975, Mr. Nathanson founded Falcon Cable TV, and in 1999 became Vice Chairman of Charter Communications. Today he is Chairman of Mapleton Investments and Chairman Emeritus of Falcon Water Technologies. He has served on the boards of the Annenberg School of Communications at the University of Southern California, as well as UCLA's Anderson School of Management and UCLA Center for Communications Policy.

Think about that. You want diplomacy, someone who is liked both on the campuses of UCLA and USC? That speaks volumes.

His career has also included public service, working to advance democracy at home and abroad. He was Chairman of the United States Agency for Global Media, then called the Broadcasting Board of Governors, under both Presidents Clinton and Bush. This global media agency is vital to inform, engage, and connect people around the world in support of freedom and democracy, which is always important, but today even more timely.

Through this role, Mr. Nathanson became intimately familiar with the information operations and the importance of countering information and disinformation, which is a key destabilizing tool used by the Kremlin today.

Mr. Nathanson has also served as Co-Chairman of the Pacific Council on International Policy and Vice Chairman of the National Democratic Institute for International Affairs.

All told, Mr. Nathanson has more than 25 years of foreign policy and public diplomacy experience. He has been recognized by several environmental organizations for his work on water conservation and other climate issues, and I am confident he will aptly represent our values and our national interests in Norway.

The United States and Norway share strong democratic values and critical partnerships on a wide range of issues, from combatting the climate crisis to strengthening the NATO alliance. I know that in Mr. Nathanson, the United States has a reliable and trusted representative, and I urge his swift confirmation.

Thank you again.

Senator ROMNEY. Thank you, Senator Padilla.

We will now turn to Mr. Nathanson for his testimony.

STATEMENT OF MARC B. NATHANSON OF CALIFORNIA, NOMINATED TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF NORWAY

Mr. NATHANSON. Mr. Chairman, Ranking Member, and distinguished members of the committee, I am honored to be here today as the President's nominee to be the U.S. Ambassador to the Kingdom of Norway.

Thank you, Senator Padilla, for your gracious introduction and your long friendship.

I am deeply grateful to President Biden and Secretary Blinken for their trust and confidence. If confirmed, I look forward to working closely with Congress to build upon the strong partnership between the United States and Norway.

I would like to acknowledge my family, including my eight grandchildren. My commitment to public service is driven by my love of family, who have motivated me to make our world a better place for future generations. My two sons, Adam and David, are here representing their sister Nicole and our family.

My eternal gratitude goes to the love of my life, Jane Fallek Nathanson, whom I met on the first day of college. I would not be here today without Jane's unwavering support for the last 54 years.

I spent my professional career in communications and founded my own company, Falcon Cable TV, in 1975, which served communities both domestically and internationally. I later entered government as a member of the Board of Governors of the U.S. Agency for Global Media and became its first Chair. I served seven years in the Senate-confirmed post under both President Clinton and President Bush. In addition, the Secretary of State appointed me to serve on the Board of Governors of the East-West Center in Honolulu, Hawaii.

After government service, I joined the board of the National Democratic Institute and became Vice Chair under Madeleine Albright's leadership. Secretary Albright was a very close friend of mine. We all celebrate her legacy in foreign policy, and we mourn her passing.

Throughout my career in government service, I believe I have developed the leadership and diplomatic skills required to represent the United States effectively.

Norway is a trusted ally and close friend of the United States. If confirmed, I will work closely with our talented team at Embassy Oslo to strengthen our great relationship with Norway.

There are three priorities to our work.

First, enhancing shared security. If confirmed, my top priority will be the safety and security of Americans in Norway, including Mission personnel.

Furthermore, I will promote our shared security interests. As a founding NATO ally, Norway has stood with the United States to address a range of emerging threats, including Russia's unprovoked war of choice against Ukraine and threats to European security in general. Norway plays a critical role patrolling and protecting NATO's northern flank. If confirmed, I will support Norway's efforts to strengthen its defense capabilities.

Second, upholding global norms and addressing global challenges. The United States and Norway partner to strengthen democracy, promote human rights, and confront many of the world's most pressing issues. As Arctic states, the United States and Norway can together ensure the region remains stable and conflict free, governed by the rules-based international order despite actions by China and other competitors. A key tenet of Norway's foreign policy is humanitarian and development assistance. If confirmed, I will work tirelessly to uphold these important norms in the Arctic and globally.

Third, increasing energy, environment, trade, and investment opportunity, with a focus on the green transition. Our two countries have longstanding economic ties. Norway is the second largest natural gas exporter to Europe. Norwegian investment in offshore wind near New York will power up to 2 million homes and is an example of cooperation in this energy transition. If confirmed, I will work to promote shared prosperity and combat the climate crisis.

I recognize the honor and responsibilities bestowed upon me by this nomination. If confirmed, I will do my best to uphold the trust that you and the American people are placing in me.

Thank you again for this opportunity to appear before you today. I look forward to any questions.

[The prepared statement of Mr. Nathanson follows:]

PREPARED STATEMENT OF MARC B. NATHANSON

Mr. Chairman, Ranking Member, and distinguished members of the committee, I am honored to be here today as the President's nominee to be the U.S. Ambassador to the Kingdom of Norway.

Thank you, Senator Padilla, for the gracious introduction and your long friendship.

I am deeply grateful to President Biden and Secretary Blinken for their trust and confidence. If confirmed, I look forward to working closely with Congress to build upon the strong partnership between the United States and Norway.

I would like to acknowledge my family, including my eight grandchildren. My commitment to public service is driven by the love of my family, who motivate me to make our country and the world a better place for future generations. My two sons, Adam and David, are representing my family today.

My eternal gratitude goes to the love of my life, Jane Fallek Nathanson, whom I met on the first day of college. I would not be here today without Jane's unwavering support for the last 54 years.

I spent my professional career in communications and founded my own company, Falcon Cable TV in 1975, which served communities both domestically and internationally. I later entered government service as a member of the Board of Governors of the U.S. Agency for Global Media and became its first Chair. I served seven years in this Senate-confirmed post, under both President Clinton and President Bush. In addition, the Secretary of State appointed me to serve on the Board of Governors of the East-West Center.

After government service, I joined the board of the National Democratic Institute and became Vice Chair under Madeleine Albright's leadership. Secretary Albright was a close friend. We all celebrate her legacy in foreign policy as we mourn her passing.

Throughout my career and in government service, I believe I have developed the leadership and diplomatic skills required to represent the United States effectively.

Norway is a trusted ally and close friend of the United States. If confirmed, I will work closely with our talented team at Embassy Oslo to strengthen our great relationship with Norway. Three priorities will guide our work:

First, enhancing our shared security. If confirmed, my top priority will be the safety and security of Americans in Norway, including Mission personnel. Furthermore, I will promote our shared security interests. As a founding NATO Ally, Norway has stood with the United States to address a range of emerging threats, including Russia's unprovoked war of choice against Ukraine and threats to European security in general. Norway plays a critical role patrolling and protecting NATO's northern flank. If confirmed, I will support Norway's efforts to strengthen its defense capabilities.

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I recognize the honor and responsibilities bestowed upon me by this nomination. If confirmed, I will do my best to uphold the trust that you and the American people are placing in me.

Thank you again for this opportunity to appear before you today. I look forward to your questions.

STATEMENT OF MARYKAY LOSS CARLSON OF ARKANSAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, NOMINATED TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE PHILIPPINES

Senator MURPHY [presiding]. Thank you very much.

Ms. Carlson?

Ms. CARLSON. Chairman Murphy, Ranking Member Romney, and distinguished members of the committee, I am deeply honored to be here today and grateful to President Biden and Secretary Blinken for placing their confidence in me to serve as the next U.S. Ambassador to the Republic of the Philippines. I appreciate the opportunity to answer your questions and hear your thoughts about our relationship with the Philippines, our oldest treaty ally in the Indo-Pacific. If confirmed, I look forward to working with the committee and other members of Congress to advance the interests of the United States, protect our citizens, and strengthen the bilateral relationship.

I would like to take a minute to thank some people whose support and guidance have shaped my life in important ways: my parents, George and Kay Loss of Little Rock, Arkansas, who serve as my inspiration and to whom I owe everything, including my sense of public service; my husband Aubrey and our daughters, Kathryn and Karen, who are the center of my life. I want to also thank the many U.S. Embassy teams with whom I have had the honor to serve over the course of my 37-year career, including the dedicated local staff members who are the backbone of our overseas operations. And to my three siblings and other family watching from Arkansas, Texas, Louisiana, New York, Connecticut, and California, and mentors, friends, and colleagues around the world, thank you.

If confirmed, I would be thrilled to represent our country in the Philippines, a vibrant democratic ally with which we share a long history. Our ties are enriched by the more than 4 million Filipinos and Filipino-Americans in the United States and more than 350,000 U.S. citizens who live and work in the Philippines.

We must work together to deepen the roots of the longstanding friendship and people-to-people ties between our two democracies. We must upgrade and modernize our alliance to face new challenges, expand U.S. trade and investment, and support the rule of law and good governance.

The U.S.-Philippines alliance is irreplaceable and foundational to our strategic interests in the Indo-Pacific. The Mutual Defense

Treaty that our countries signed in 1951 serves as the bedrock of our unwavering commitment to the security of the Philippines. If confirmed, I pledge to continue to expand opportunities for bilateral training, exercises, and capacity building, to support the long-term modernization of the Armed Forces of the Philippines, and to advance peace and security in the region. I will also work to ensure our security cooperation continues to help the Philippine military and law enforcement bodies combat terrorism, transnational crime, and violent extremism.

Concurrently, I will continue U.S. efforts to urge the Philippine Government to conduct all law enforcement operations in accordance with the rule of law and consistent with international human rights standards, and I will urge the Government to conduct thorough, transparent investigations into all suspected unlawful killings, and to hold accountable those who are guilty.

We support the aspirations of millions of Filipinos who want to live in a society characterized by good governance, human rights protections, and the rule of law. If confirmed, I will work to strengthen the Administration of justice and support Philippine human rights defenders and civil society, and encourage respect for freedom of expression, including for members of the press.

Among the values our two democracies share is the respect for international law, which underpins freedoms of navigation and overflight, unimpeded lawful commerce, and the peaceful resolution of disputes in the South China Sea and around the world. If confirmed, I will continue our efforts to bolster Philippine capabilities that enhance maritime domain awareness.

The United States seeks to remain a leading trading partner and foreign investor as the Philippines progresses toward economic recovery and upper middle-income status. If confirmed, I will support reforms that enhance transparency, assure labor rights protections, boost beneficial trade and investment, and increase cooperation to ensure resilient supply chains. I will promote an economic partnership that engages the U.S. and Philippine private sectors and other stakeholders so that we can invest in climate action and support low-carbon energy security.

Finally, let me note that our U.S. embassies overseas are more than places of work. They are communities of people.

If confirmed, I will prioritize the safety and well-being of U.S. Embassy Manila's talented staff and families. I will maintain their focus on our top goals, and ensure they represent the diverse talents of our democratic societies.

Thank you for considering my nomination, and I look forward to your questions.

[The prepared statement of Ms. Carlson follows:]

PREPARED STATEMENT OF MARYKAY LOSS CARLSON

Chairman Murphy, Ranking Member Romney, and distinguished members of the committee, I am deeply honored to be here today and grateful to President Biden and Secretary Blinken for placing their confidence in me to serve as the U.S. Ambassador to the Republic of the Philippines. I appreciate the opportunity to answer your questions and hear firsthand your thoughts about our relationship with the Philippines, our oldest treaty ally in the Indo-Pacific. If confirmed, I look forward to working with the committee and other members of Congress to advance the inter-

ests of the United States, protect the safety of our citizens, and strengthen the bilateral relationship for the benefit of both of our countries.

I would like to take a few moments to thank some people whose support and guidance have shaped my life in important ways: My parents, George and Kay Loss of Little Rock, Arkansas, who serve as my inspiration and to whom I owe everything, including my sense of public service; and my husband Aubrey and our daughters, Kathryn and Karen, who are the center of my life. I want to also thank the many U.S. Embassy teams with whom I have had the honor to serve over the course of my 37-year career—especially the dedicated local staff members who are the backbone of our overseas operations. And to my three siblings and other family watching from Arkansas, Texas, Louisiana, New York, Connecticut, and California, and mentors, friends, and colleagues around the world—thank you.

If confirmed, I would be thrilled to represent our country in the Philippines, a vibrant democratic ally with which we share a long history, and one of our most important partners. Our ties are enriched by the more than four million Filipinos and Filipino-Americans in the United States and more than 350,000 U.S. citizens who live and work in the Philippines. We must work to deepen the roots of the longstanding friendship and people-to-people ties between our two democracies, upgrade and modernize our alliance to face new challenges, expand U.S. trade and investment, and support the rule of law and good governance.

The U.S.-Philippines alliance is irreplaceable and foundational to our strategic interests in the Indo-Pacific. The Mutual Defense Treaty that our countries signed in 1951 serves as the bedrock of our unwavering commitment to the security of the Philippines. That treaty, and the Visiting Forces Agreement and the Enhanced Defense Cooperation Agreement, enable our strong security and defense cooperation with the Philippines. If confirmed, I pledge to continue to expand opportunities for bilateral training, exercises, and capacity building, to support the long-term modernization of the Armed Forces of the Philippines and to advance peace and security in the region. I will also work to ensure our security cooperation continues to help the Philippine military and law enforcement bodies combat terrorism, transnational crime, and violent extremism.

Concurrently, I will continue U.S. efforts to urge the Philippine Government to conduct all law enforcement operations in accordance with the rule of law and consistent with international human rights standards, and I will urge the Government to conduct thorough, transparent investigations into all suspected unlawful killings, and to hold accountable those who are guilty.

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Among the values our two democracies share is the respect for international law, which underpins freedoms of navigation and overflight, unimpeded lawful commerce, and the peaceful resolution of disputes in the South China Sea and around the world. If confirmed, I will continue our efforts to bolster Philippine capabilities that enhance maritime domain awareness and enable it to counter coercive activity in its Exclusive Economic Zone and other areas.

The United States seeks to remain a leading trading partner and foreign investor partner as the Philippines progresses toward economic recovery and upper middle-income status. If confirmed, I will support reforms that enhance transparency, assure labor rights protections, boost beneficial trade and investment between our two countries, and increase cooperation to ensure resilient supply chains. I will promote an economic partnership that engages the U.S. and Philippine private sectors to invest in climate action and support low-carbon energy security.

Understanding that our consular operations at the U.S. Embassy Manila play an important role in helping provide visas to qualified skilled workers in crucial industries such as healthcare, if confirmed, I will ensure that our Mission resources remain focused on this effort.

Finally, let me add that our U.S. Embassies overseas are more than places of work. They are communities of people. If confirmed, I will prioritize the safety and well-being of Embassy Manila's talented staff and families, maintain their focus on top goals, and ensure they represent the diverse talents of our democratic societies.

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

Senator MURPHY. Thank you to all of our witnesses.

We will begin our round of 5-minute questions. I will start with a few.

Ambassador Goldberg, let me just start with you. I sometimes worry that American foreign policy has become dangerously sclerotic. We sanction our enemies and we sell weapons to our friends, while other countries that are often adversaries, like China or Russia, have a much more diverse toolkit at their disposal with which to try to gain influence.

You spent some time as the North Korea sanctions coordinator, and you are going to inherit an even more robust set of sanctions on North Korea given the announcements from the Biden administration in the wake of the latest ballistic missile tests.

I am just interested to hear your assessment about the efficacy of our sanctions regime given the fact that Americans with just a passing interest in world affairs have not helped but notice that these devastating multilateral sanctions have not seemed to have had any practical impact on the conduct of the North Korean regime. I am interested to hear your take on this question.

Ambassador GOLDBERG. Senator, I think sanctions work, but they are not a policy in and of themselves. They have to be accompanied by other elements of U.S. and world influence and power. They have to be multilateral without much leakage. In some cases and in the case of North Korea, the lack of tie-in to the international financial system and trade make it more difficult in some respects, easier in others, to enforce sanctions.

You have to have a population that has a say in what is going on in their country. There are other examples of sanctions elsewhere that have worked more quickly to influence public opinion, but there is no public opinion in North Korea. So it is a very difficult hard target for sanctions.

All of that said, North Korea wants those sanctions lifted, which is a reason to keep pressing, because they want them lifted for a reason. They want to have their cake and eat it too in terms of not being forthcoming on negotiations, which we have offered without preconditions. So they are an important element, but they are not an element that will necessarily do the trick by themselves.

Senator MURPHY. Ambassador Kennedy, I wanted to draw for a moment on your experience in Japan. Here is how the editor of one of the most significant Chinese Communist Party-run newspapers described Australia. He said, "Australia is chewing gum stuck on the sole of China's shoes. Sometimes you just have to find a stone to rub it off."

He said this in the context of a pretty significant row between China and Australia driven by an increasingly hostile and muscular diplomatic presence and set of activities from the Chinese Government inside Australia. And this is, of course, the story all throughout the region. The Chinese are willing to do things and say things, employ more aggressive tactics in a way that they were not 10 to 20 years ago.

I would just be interested to hear a little bit about what you learned during your time in Japan about the increasingly aggressive diplomatic tactics of the Chinese and how you will take those learnings to this new job.

Ambassador KENNEDY. I think what I have seen is that things have really changed and increased in the region, the tensions, since my time in Japan. All the countries out there have dealt with each

other for a very long time, but certainly Australia most recently has been challenged by Chinese economic coercion, and I think that the United States can learn a lot from their response. They have stood firm, and I think they have managed to come together with a bipartisan foreign policy, and I think a greater and deeper partnership with us in the security and diplomatic areas, as well as across the board, will serve their country and ours well as we move forward into this increasingly tense time in the Indo-Pacific. So I look forward to working with the Australians and with the Japanese to secure a free and open Indo-Pacific.

Senator MURPHY. Did you see an increase in the virulence of these tactics while you were in Japan, or do you think that some of this happened more recently?

Ambassador KENNEDY. I did see it, but I think it has become much more widespread, much more public, much more open. The South China Sea issues were certainly present, some of the economic coercion was certainly happening. But I think all of that has become more dramatic in the last five years.

Senator MURPHY. Senator Romney?

Senator ROMNEY. Thank you, Mr. Chairman.

Ms. Carlson, I think a number of us have been surprised and a little disoriented by the comments made by the current president of the Philippines, the current distance he has with the cause of freedom and his closeness to China. Obviously, our nation has worked with the people of the Philippines to provide for the safety and security of that nation, and his redirection has been hard to understand.

Can you give me a sense from your perspective as to what it is that may have led him to make the departure from our historic relationship that he has, and to what extent you believe that is being welcomed by the people of the Philippines?

Ms. CARLSON. Thank you for that question. I think it is important to look at the U.S.-Philippines relationship in its entirety. We are friends, partners, allies, with a 75-year history of diplomacy. We are celebrating "Thriving at 75" just this year.

So with regard to any particular individual, I think the more important thing is to look ahead. We have a strong foundation of shared values with the people of the Philippines. We train with their military very closely, hundreds of training exercises every year, including the Balikatan premiere exercise, which means shoulder to shoulder, which is just finishing up today in the Philippines, where our colleagues across all sectors of society work together, including freedom of expression and countering Chinese aggression.

So I think as we look forward to the next 75 years, there is a lot of room for optimism based on the strong foundations of democracy that exist in the Philippines.

Senator ROMNEY. Thank you.

Ambassador Kennedy, I think we have been very impressed by the backbone that has been shown by the people of Australia. They banned Huawei products. They have probed the origins of COVID. They participated in a diplomatic boycott of the Olympics as a result of what was being perpetrated against the Uyghur people.

In this setting, they are obviously a very small, in terms of population and economy, neighbor of China. We share interests in getting China to behave in a more normal and rules-based way.

What is your perception of how Australia might be able to lead an effort to really develop a comprehensive strategy to confront China?

Ambassador KENNEDY. I think Australia and the United States working together, especially in the Quad with our India friends and with Japan, is a very powerful alliance and combination. And I think that the Australian people have now come together in understanding the challenges posed by China. So I think we have an opportunity through our partnerships and alliances, working multilaterally throughout the region, to really create a comprehensive strategy that will strengthen deterrence and increase our own security, as well as allowing for the continued prosperity of the region.

I think the rules-based order that America has stood behind working with Australia has really allowed millions to prosper and provide a great opportunity for Americans. I think that together with Australia we will continue to deliver on that.

Senator ROMNEY. I would note that China has a very comprehensive and, to date, pretty successful strategy to expand their influence in the world, to develop the strongest military in the world, to become the strongest economy in the world, and I am concerned that we as a nation, and even members of the Quad, have not settled on what our strategy is to deal with China.

Do you agree that China is behaving in a malevolent and predatory way that represents a real threat to our interests here and around the world?

Ambassador KENNEDY. I think the strongest thing that we have is our values. I saw when I was in Japan how the whole world really still looks to America as the place they want to come to, the place that inspires them. So I feel confident that we do have in our values, in our economic strength, in our security partnerships, our alliances, our multilateral work, that we do have a winning strategy, and I know that Australia and the United States together work side by side to implement that every day. So I am confident in the United States and in our ability to maintain a free and open and secure and prosperous Indo-Pacific.

Senator MURPHY. Senator Schatz?

Senator SCHATZ. Thank you, Mr. Chairman, Ranking Member; and to all of the nominees, thank you for your willingness to serve.

I am so thrilled to be here. This really is the A–Team, and this conveys a degree of seriousness from the Biden administration and from Secretary Blinken to put its best team on the field in the Indo-Asia-Pacific region, so thank you.

Mr. Nathanson, I was just thinking about Secretary Albright. Whatever one's views of the afterlife may be, I know she is watching C–SPAN right now and proud of all of you, so thank you very much.

My first question is for Ambassador Goldberg, and I want to follow up on what Senator Murphy was asking about, especially as it relates to CVID. We have had this conversation, and we had this conversation in the Banking Committee with Bob Corker six years ago. We lack intermediate steps, it occurs to me. We have a dec-

laration of where we want to land: complete, verifiable, irreversible denuclearization of the peninsula. Everyone can get behind that. And what is our tool? Well, sanctions. It is clearly not working.

So what is the in-between space? How do we do a serious re-evaluation of whether or not our bipartisan failure on this issue can be tweaked? I understand our limitations, and it may just be that this is a hard problem and we have to maintain pressure until the opportunity presents itself, but then we should articulate that.

I am just worried that everyone is too afraid to say CVID is a nice goal but not anything we can achieve in the next 5 years, or even 10 years, and we should have some intermediate steps in the intervening time, and I am wondering what your thoughts are, and at least I would like to hear a willingness to reevaluate our policy.

Ambassador GOLDBERG. Thank you, Senator. Comprehensive, verifiable, irreversible denuclearization—those are difficult goals, but they fit very well with our non-proliferation goals. They fit with our policy of deterrence; building, broadening, deepening our alliance with the Republic of Korea, and doing all possible to defend against a rogue regime in North Korea that is violating at every opportunity U.N. resolutions, their own commitments, international agreements.

So it is a very difficult problem. If we do not admit it, I am admitting it here. But it is one that we need to continue to work on and be quite resolute about.

Senator SCHATZ. Well, you are not in the position yet, and so I do not expect you to move U.S. foreign policy before confirmation. That is unreasonable and possibly politically dangerous for your confirmation, so I get that. But let us have a real dialogue about what is working and not working.

Senator Murphy said it exactly right, and this goes for the military space too. People are terrified of going toe to toe with us; but in the gray zone, and also in the diplomatic gray zone, people are running circles around us. And so we have got to maintain a little bit of flexibility here and try to figure out what we can do to change policy, and that does not mean that we are not working towards CVID. It means that we acknowledge that that is not the only thing that we say as it relates to the peninsula.

The final question is for Ms. Carlson. I think everybody knows I am for climate action, but I want to focus on a different aspect of climate, which is climate adaptation and specifically preparing for and responding to increasing severity and frequency of natural disasters in the Philippines. That seems to me to be a place where we are already doing very well and bolsters the ties, including the people-to-people ties, between the U.S. and the Philippines.

I am wondering what your thoughts are on what more we can do in that space. I think that is at the humanitarian level an incredibly important priority for the United States, but also it has positive geo-political implications. I would like your thoughts.

Ms. CARLSON. Thank you very much. I totally agree with what you have just said. If confirmed, I would work to lead our talented Embassy team there to find ways that we could work with our friends and partners in the Philippines to enhance their ability to combat climate change. As you know, the Philippines is particularly vulnerable given its long shorelines to climate change. They

are subject to typhoons and disasters. Fortunately, our USAID teams and our military INDOPACOM colleagues have been there to assist in partnership with the Philippines.

So it is definitely in our interest to enhance their ability to respond. I am sure there are very specific things that we can do and, if confirmed, I would look forward to working with you and other members of the committee and in Congress to find ways that we could support climate adaptation in the Philippines for the benefit of both of our countries. Thank you.

Senator SCHATZ. Thank you very much.

Senator MURPHY. Senator Hagerty?

Senator HAGERTY. Thank you very much, Chair Murphy; and congratulations to all of the nominees today.

I would like to start, if I might, with Ambassador Kennedy, to say welcome to your husband Ed. It is so good to see you again. And Jack, I know that your family's support has meant a great deal to your success, and it is great to see you all here today.

Ambassador Kennedy, several questions. I know you have great experience dealing with the Quad partnership from your previous role as Ambassador to Japan. I would love to hear your perspective on how we can further strengthen our relationship with the Quad.

Ambassador KENNEDY. I think the Quad is one of the most important diplomatic initiatives that we have and it affords a great opportunity for the United States and for other like-minded democracies to really work together on key issues like COVID, like climate change, like supply chain resilience and security, and new technologies to really strengthen our partnership, preserve the rules-based order in the Indo-Pacific, and advance the United States' interests.

Senator HAGERTY. Something is happening in the region right now that I am sure you are well aware of, in the Solomon Islands. The Chinese Communist Party has been very engaged in that region, working with the Government of the Solomon Islands. They are stepping in now and talking about constructing a bilateral security agreement. It is very concerning to us as a nation here. I know it is very concerning to the Australians, as well.

What do you think the prospects are for that bilateral security agreement being entered between China and the Solomon Islands, and what should the United States' posture be relative to that?

Ambassador KENNEDY. Well, obviously, I am not fully read in on that, but if confirmed, I would work very hard. Australia has a very active Embassy in every Pacific Island nation, and it has been an historic area of United States engagement as well, and I think that the fact that we are reopening our Embassy in the Solomon Islands, that cannot come to enough. I think that together with Australia, with the infrastructure partnership that we have in the Pacific Islands, which I know that you worked to initiate when you were ambassador to Japan, we can do more and we should do more, and we must stay engaged.

This is a vital region, and I think that we need to be more visible, but I think that our long record in the region of supporting assistance over many years, if we are able to build on that, that we can really make a difference.

Senator HAGERTY. I appreciate that, and I think our allies like Australia can be invaluable as we continue to be ever diligent in the region, because we know that the Chinese Communist Party is looking for every opportunity to change the status quo there. So I applaud you and encourage you to find every way possible to work with Australia. I know that people on this committee will be supportive of finding ways, again, to push back wherever possible.

If we could switch now to the AUKUS Trilateral Security Agreement, I was encouraged to find out that we are going to be working with our allies to facilitate Australia's nuclear propulsion, submarine propulsion technologies and capabilities. Just two days ago, it was announced that we are going to be stepping up that partnership to work with hypersonics and with counter-hypersonics.

My view is that deepening that relationship with Australia from a security perspective is going to be invaluable to our security in the region. I would love to hear your perspective on how you will work to continue that process.

Ambassador KENNEDY. Well, if confirmed, I look forward to learning more about the details of that partnership. I know that a lot of work is happening now. There are many working groups on all aspects. As you said, it involves the submarines, but it also involves the cooperation on AI and quantum and cyber and undersea technologies. So I think that it is really the kind of partnership that, as it grows and strengthens and we are able to build on it, we will deliver great results for both our technological sector and American innovation, working together with Australia. And I think that there is a lot of deterrence that it will deliver well before the submarines are in operation.

Senator HAGERTY. I think it has great potential, and I appreciate your attention to that arena, as well. The technology front will be an important line to follow the confrontation in the region with our greatest strategic adversary, China.

I would like to turn my questions now to nominee Carlson. MaryKay, you and I have talked about this before, but I would like to talk with you about nurse visas. As we all know, through the coronavirus pandemic, we have had a severe shortage of nursing talent here in America. It has almost reached a crisis proportion.

We have talked about visa interviews by videoconference as a means to try to facilitate speeding up what has become a very big backlog at the Embassy there at the Philippines.

I would like to get your current assessment of where the backlog is at Embassy Manila, and also what your plan might be to set the metrics to work through that backlog and to get your commitment to report back to me and my staff on how this is progressing.

Ms. CARLSON. Thank you, Senator. You have my commitment to continue to work on this very important issue. No one likes a backlog, least of which is our talented team working so hard in the Consular Section at the U.S. Embassy in Manila. I have spoken after our conversation with a number of folks here in Washington and in the Philippines in our Consular Section there, and there are ways that we can do everything possible to speed up those interviews, and I pledge to work with you and with the folks here at the National Visa Center and at the Embassy to accelerate the

processing within the bounds of the U.S. law with regard to immigration.

Senator HAGERTY. I look forward to that. As you know, my home state of Tennessee is a hub of hospital management, and we see the problem probably more clearly than any other state in the nation. So this is a crisis. This is something that the American public needs addressed, and I very much appreciate your help in doing so.

With respect to the other nominees, I will submit my questions for the record. Congratulations to all of you again. Thank you very much.

Thank you, Mr. Chairman.

Senator MURPHY. Thank you.

Senator Van Hollen?

Senator VAN HOLLEN. Thank you, Mr. Chairman.

Congratulations to all of you on your nominations. It is good to see you are all going to countries that voted with the United States to condemn the Russian invasion of Ukraine. I am sure all of you will be working very hard, if confirmed, to make sure we sustain that pressure given the unprovoked attacks on the people of Ukraine.

And I am pleased that right now at the United Nations, our Ambassador is seeking a vote to expel Russia from the United Nations Human Rights Council. They have no business being there when they are clearly implicated in war crimes as we speak.

Ambassador Goldberg, if I could just follow up on some questions I think Senator Murphy opened with, with respect to North Korea and its recent launch of another long-range ICBM.

As you know, for years we have been working to try to tighten the sanctions regime, economic sanctions regime on North Korea, and we repeatedly find leaks in that. We have seen a series of U.N. reports identifying Chinese entities as the major source of circumventing those economic sanctions.

We also know that really China is the big player as North Korea's neighbor and could exert more pressure on the North Koreans with respect to their weapons programs, even though they sometimes have a rocky relationship.

My question is this: As we have seen our relations with China get more strained, have we seen China back off on the pressure it is putting on North Korea with respect to constraining their nuclear weapons program, specifically their long-range missile program?

Ambassador GOLDBERG. What I can say from public information, Senator, is that the Chinese did not vote to impose further sanctions at the U.N., nor did the Russians, of course. So they do have a slightly different approach to the North Koreans and ask for our concessions, as opposed to having discussions/negotiations without preconditions. So there is a divergence there.

When I was doing the enforcement job of North Korean sanctions, and it was some time ago, more than 10 years, there was leakage, and there continues, no doubt, to be leakage. I am not revealing anything here because I am not aware of particular cases. But there were issues related to Chinese banks and trade.

It is a difficult, as I mentioned earlier, a hard target for sanctions, North Korea, but we do and we should continue to seek Chi-

nese cooperation not just on sanctions, which is very important, but sanctions, as I mentioned before, is not a policy in and of themselves, but also their cooperation in moving forward with negotiations and getting back to some sort of discussion about denuclearization and how we are going to handle that issue.

Senator VAN HOLLEN. Well, that was my next question. So, what in your view is the best way forward there in terms of both continuing to apply pressure but trying to reach the goal of a denuclearized peninsula?

Ambassador GOLDBERG. Well, I do not know if it is my good fortune, Senator, but my primary responsibility will be to strengthen the alliance and deterrence and to take other steps to try to convince the North Koreans to return to negotiations and working very closely with the new President-elect's government. So I would allow Ambassador Sung Kim or people at the State Department to speak more about North Korea policy and the way forward and not preempt their responsibilities.

Senator VAN HOLLEN. All right.

Ambassador Kennedy, congratulations on this nomination.

With respect to China and Australia, as you well know, they have strong commercial ties, but Australia has appropriately pushed back hard on China's efforts to use coercion by applying economic pressure on political and human rights issues.

How do you see the U.S. and Australia working now to push back on China's aggression in the area?

Ambassador KENNEDY. I think that pushing back on Chinese economic coercion is something where the United States is going to have to support our allies and those that are suffering from it, like Lithuania, as well as Australia. Australia has been a model, and they are fortunate in that they have a lot of minerals and critical elements that a lot of their other exports they have been able to find other markets for.

But this is a complicated issue, and the United States and Australia, I think by working closely together across all aspects of the relationship, whether they are diplomatic, whether they are regional, upholding the centrality of ASEAN, strengthening the Quad, we have a real opportunity here to create and sustain a connected and secure Indo-Pacific, and I think that our alliance is certainly a key element of that, as well as just as our alliances with Korea, Japan, the Philippines also will help create a region that is more secure and abiding by the rules-based order that has served us all so well.

Senator VAN HOLLEN. Thank you.

And thank you, Mr. Chairman.

Senator MURPHY. Thank you.

Chairman Menendez?

The CHAIRMAN. Thank you, Senator Murphy; and congratulations to all of the nominees on their nominations. This is a very important group of countries that you have been nominated to.

Let me start with you, Ambassador Goldberg. I was with the Special Envoy of the President-elect of South Korea yesterday with Senator Risch. We had a very interesting conversation. It seems like it will be a rather dramatic shift from the Moon policies of the last four years. We have a large diaspora, certainly in the United

States but in New Jersey, of Korean Americans who have done exceptionally great work, including the Korean American Grassroots Conference. Mr. Kim, I think, is here in the audience.

There is a lot of expectation for your confirmation and presence in South Korea, both by the South Koreans and by the community here.

So what is your assessment, then, of the recent North Korea cruise and ballistic missile tests? Are you concerned that North Korea may be seeking to up the ante with a bigger provocation? And if so, how should we respond?

Ambassador GOLDBERG. Mr. Chairman, the outrageous and continued provocations from the North are, of course, deeply troubling, concerning, and I think our special representative for North Korea, Sung Kim, said just yesterday that we expect more, especially with some of the celebrations upcoming in North Korea.

We have to react with enhanced deterrence, with a solid alliance between the United States and South Korea, Japan, and working together to thwart these threats from North Korea. When sanctions are available and enforceable, to also continue with very strong implementation. So we do need to be aware that this could happen and that these provocations, which are illegal, which violate U.N. resolutions, which violate their own commitments, North Korea's own commitments.

The CHAIRMAN. Let me ask you, already the ballistic missile tests are clearly a violation of the U.N. Security Council resolutions. Should we pursue additional sanctions against North Korea?

Ambassador GOLDBERG. I mentioned earlier to Senator Van Hollen that my primary responsibility, if confirmed, would be to help in solidifying the alliance and deterrence and working with our military and other countries. I am not, strictly speaking, going to be responsible for a North Korea——

The CHAIRMAN. No, but I am sure the Administration would have you on the phone once you are confirmed as part of the interagency process to opine; do you not think so?

Ambassador GOLDBERG. I hope so.

The CHAIRMAN. I hope so, too, or else I do not know why we are sending you there. It seems to me that there has to be a response. If North Korea can continue to create provocations, can continue to violate Security Council resolutions with impunity and there is no response, then it will continue to do so, and it will only deepen it.

Ambassador GOLDBERG. Well, I think you are right, Mr. Chairman, but I also know that we will take measures, as we have, if it has to be through unilateral action or with our allies after these kinds of provocations, that we cannot rely on the United Nations when China and Russia have vetoes at the Security Council.

The CHAIRMAN. Let me ask you this. You know, we have historical issues between South Korea and Japan; I recognize them. But we also have the importance of having a close relationship with those two countries and ourselves, an ability to meet the regional challenge of North Korea, as well as China and others.

Do you see playing a role in helping the South Koreans find a pathway forward with their Japanese counterparts?

Ambassador GOLDBERG. Absolutely. I think that is a role, if confirmed, that an ambassador in Seoul would play, working with our

ambassador in Japan. You know they are each other's third largest trading partners. Japan is the biggest investor in South Korea, outstripping the United States. There are reasons that two democratic, technologically advanced, scientifically advanced countries should be working together more, not just on the North Korea issue, which has been an issue where they have come together, but also on other issues regionally and around the world.

The CHAIRMAN. Ambassador Kennedy, congratulations on your nomination. I appreciate your service in the past to our country.

Australia is a microcosm of the global climate crisis. A few weeks ago, Brisbane and East Australia received a record 26 inches of rain in 72 hours. The 2022 emergency in Queensland and New South Wales is now $1.4 billion, and it is only the first week of April. The dawn of the COVID–19 pandemic in March of 2020 made it easy to forget when Australia's wildfires were dominating global headlines until the pandemic took center stage. Those fires cost Australia an estimated $103 billion, and ocean acidification is killing thousands of acres of the Great Barrier Reef.

Now, this is an incredibly important relationship, part of the Quad. As a matter of fact, I will be traveling there this recess. But there are great lessons for the United States to learn for how to prepare for such extreme climate disasters and how to get Australia to think about the climate responsibilities they have, in their own interest as well as the global interest.

Can I get you to commit to fostering information and strategic exchanges for scientists and disaster responders to learn and share experiences between our two countries?

Ambassador KENNEDY. I think that we should do more of that. I know that the United States has tried to help, where possible. There were firefighters from Wyoming, for example, that went to help during the terrible fires in Australia. But certainly Australia has learned a lot about these kinds of disasters, and we also have been impacted by fires and floods and storms here in the United States. So the more that we can learn about and learn how to combat and also move toward a clean energy transition and reducing the impact of climate change, the faster we can do that, if confirmed, I would be eager to work on that.

The CHAIRMAN. Thank you, Mr. Chairman. I have questions for Ms. Carlson and Mr. Nathanson, but I will submit them for the record. I am very concerned about Norway in the midst of the challenges of Russia now. It has its own neighborhood problems. And I look forward to understanding where we are headed with the Philippines in the aftermath of the present administration, hopefully a new dynamic that we can create. Thank you.

Senator ROMNEY [presiding]. Thank you, Mr. Chairman.

Senator Kaine?

Senator KAINE. Thank you, Senator Romney.

Mr. Chair, good to be with you, and great to be with the wonderful panel.

Ms. Kennedy, great to see you again. We have had good interactions in our public service lives, and I am really thrilled with your nomination.

And, Ambassador Goldberg, I have really enjoyed visits to Colombia when you have been there.

This is a really strong panel.

Let me start with Ms. Carlson. Here is a worry of mine, press freedom. Reporters Without Borders ranked the Philippines 138th out of 180 countries in the most recent World Press Freedom Index, and attacks on the media have escalated under President Duterte; but even prior, the Philippines has long been one of the most dangerous countries in the world for journalists. The country also has one of the highest impunity rates in the world, with no one being held accountable in more than 80 percent of journalist murders over the last 10 years.

Earlier this week, a number of us met with Maria Ressa, an investigative journalist and Filipina who is the founder of the online news site Rappler. She won the 2020 Nobel Peace Prize for her courageous reporting about abuses of power, uses of violence, and authoritarianism in the Philippines. Ahead of the national elections in the Philippines in May, the Filipino Government has stepped up its harassment of both Maria Ressa and Rappler.

If confirmed, how will you work to strengthen freedom of expression in the Philippines?

Ms. CARLSON. U.S. policy toward the Philippines is based on our shared values of rule of law, democracy, freedom of expression. And as we are seeing around the world, there is a rise in authoritarianism, which we need to work together with our like-minded partners in civil society and in government in the Philippines to counter, which is why I was really pleased to see that the Philippines participated in the Summit of Democracy and the year-long commitments that are being made, resulting in another summit coming up at the end of this year.

So, if confirmed, I would continue the work that our colleagues at the Embassy are doing to work with all levels of civil society, including and especially journalists, including Maria Ressa and other members of the press who are struggling to tell the story so that we can combat disinformation and make sure that the truth is told about what is happening not only in the Philippines but in other democracies around the world.

Senator KAINE. Thank you very much. I have a piece of bipartisan legislation with Senator Graham, the International Press Freedom Act, previously introduced. We are working with the State Department now to make it even better, and I would hope to be able to get the support of my colleagues on this committee for having a markup and improve that bill and get it out. The bill would provide resources to the State Department to amplify our efforts to protect journalists and include a special visa category that would enable threatened journalists to seek safe haven in the United States or other nations.

Mr. Nathanson, Norway, what a great ally, a nation that is doing so many things right. They are trying to maintain strong energy production so that Europeans can have an energy source nearby that is not Russia, and I applaud them for that. If they can do more, I hope you will encourage them to do more. I know President Zelensky has been encouraging them.

But one of the interesting things about Norway is that they had a tradition of not sending weapons into non-NATO countries, and yet they are being such a strong supporter of the global democ-

racies' efforts in Ukraine. They have shipped about 2,000 M72 anti-tank weapons, and that is recently, the latest shipment. The total number is now in excess of 4,000. And this is a dramatic change in direction from a policy that was in place since the 1950s of not sending arms to non-NATO countries that are at war.

Talk a little bit about your understanding of how Norway is reassessing the relationship with Russia and their role not only with NATO but more broadly for European security as a result of Vladimir Putin's illegal invasion of Ukraine.

Mr. NATHANSON. As you said, Senator, and I appreciate the question, Norway is reassessing its relationship with its neighbor, Russia. They have a 121-mile border in the Arctic with Russia. But the Arctic Council, which Russia is a member of, seven other nations in the Arctic Council have condemned Russia's unprovoked attack in Ukraine, and the Arctic Council is now at a standstill because of this.

So Norway, as a leader in the Arctic area, is reassessing its own position with Russia and looking very seriously at the future with Russia. They recently expelled three Russian diplomats. As you said, they have broken a long tradition of Norway by sending arms to Ukraine, as well as financial aid. And if confirmed, I will continue to work with Norway to reassess their attitude and their position as it relates to Russia.

Senator ROMNEY. Thank you.

Senator Cruz?

Senator CRUZ. Thank you, Mr. Chair.

Welcome to each of the nominees. Congratulations on your nominations.

Ambassador Kennedy, thank you for your willingness to be here. Thank you for your service.

A few weeks ago you and I had a very good conversation in my office about the threat that China poses to American national security and, indeed, global peace. Our efforts to counter China have been institutionalized in a number of frameworks, and in recent years in the Quad, with Australia, India, Japan, and the United States.

I believe that the Quad is a critical and invaluable strategic asset. I know that our regional partners believe so as well. On Saturday, Australia and India signed an interim trade deal to reduce dependence on Chinese supply lines. It was rightly hailed on all sides as a major accomplishment of the Quad framework.

I would like to get your views on that issue and the role you envision the Quad playing, and Australia's role within the Quad.

Ambassador KENNEDY. Thank you, Senator. It is nice to see you again. I agree that the Quad is an ambitious and extremely important diplomatic initiative. I think it is important that it includes initiatives that will benefit the health and prosperity of millions of people in the region across the board, whether it is delivering vaccines and planning for the effects of climate change, as well as securing our supply lines, investing in critical minerals. There are working groups in many, many different areas.

So I think that with our four democracies working closely together, we will be able to advance the Administration's goal of a free and open, secure, prosperous Indo-Pacific. We also have the

AUKUS partnership, which is an incredibly important security initiative which is being developed as well, and I think that that will also help secure the region for years to come.

Senator CRUZ. Well, I am heartened to hear that. But candidly, I worry that the views you articulated are not shared across the Biden administration. I have been, in particular, troubled by reports that the Administration is considering imposing CAATSA sanctions on India. As recently as last month, U.S. diplomats have reiterated that the Administration is considering imposing those sanctions.

I find such talk inexplicable, let alone the possibility of actually following through and sanctioning India. India is the world's largest democracy. They are a key ally. They are in the midst of an historic pivot towards the United States, and the Biden administration seems to be actively working to alienate them and push India towards Russia and China.

Ambassador Kennedy, you just said rightly that you consider an important part of your job strengthening the Quad. What effect do you think imposing sanctions on India would have on your efforts to strengthen the Quad, and will they make them more likely or less likely to accomplish your goals?

Ambassador KENNEDY. Senator, I am hopefully going to be confirmed as Ambassador to Australia, and honestly I would look forward to learning more about that, but I do not have any information on that today.

Senator CRUZ. So you do not have any views on whether the United States sanctioning India would make it harder for the Quad to work together effectively?

Ambassador KENNEDY. I would want to study up on that and talk to you about it some more because I am not familiar with the instances that you referenced.

Senator CRUZ. Well, I will say we have all agreed the Quad was a major strategic step forward, and an alliance between Australia, India, Japan, and the United States is a critical way to press back on China. And if the Biden administration decides instead to treat India as a hostile country subject to sanctions, it would be spectacularly foolish, and it is part and parcel of what has been a consistent pattern of demonstrating weakness and appeasement to our enemies and alienating our friends. I speak with allies of America across the globe who say over and over again they do not understand why the Biden administration treats them so badly, and they wonder sometimes, ironically, would they be treated better if they behaved as enemies to America.

And if you are confirmed, I hope that you serve as a voice of reason in this administration and counsel against the Biden administration sanctioning important allies of America such as India.

Senator MURPHY [presiding]. Senator Coons?

Senator COONS. Thank you, Senator Murphy, Senator Romney.

Great to be with all of you.

Rather than relitigating relationships with allies across the current and previous administrations with my colleague, I am going to try to point us in a forward direction, as tempting as that engagement might be.

For Caroline, Ms. Kennedy, for Mr. Goldberg, Ms. Carlson, great to have all of you in front of us.

I am very interested in the next steps in the Indo-Pacific Economic Framework. It has, I think, the potential to deepen our economic engagement in the Indo-Pacific. The administration has been clear that this framework as imagined will not include new market access commitments. Some of our regional partners have expressed disappointment in this, and I am hoping to work with some of my colleagues on this committee to find other ways to make this framework beneficial to U.S. workers and trading partners.

As the nominees to serve as our nation's representatives to Australia, South Korea, and the Philippines, how would each of you work to make the Indo-Pacific Economic Framework a success with those governments?

And then second, if I might, all three countries—South Korea, Australia, the Philippines—have been subject to punitive economic coercion at the hands of the PRC. I think we have to find a way to help countries. I was recently in Lithuania with Senator Durbin. Lithuania, because of a choice they made, has ended up being on the receiving end of economic coercion from China. South Korea, Australia, and the Philippines have as well.

Would you be willing to work with me and others on this committee as we try and develop other tools in addition to the Indo-Pacific Economic Framework to help our allies and partners stand up to economic bullying?

So, a two-part question. If we could, Ms. Kennedy first.

Ambassador KENNEDY. Thank you, Senator. It is nice to see you. With regard to the Indo-Pacific Economic Framework, the one thing that I know from my time in Japan and I have learned during this process is that the United States' economic engagement is something that the region is very much eager for. So, if confirmed, I would work hard to increase our economic engagement with Australia and the Pacific Islands, as well as any place else that my assistance could be helpful. I think that it is a great opportunity. I saw when I was in Japan how much opportunity there is for Americans in the Indo-Pacific, and I think it is something that, because it is far away, people do not always realize, but we are active there and there is a great deal of opportunity for the future.

I think the Indo-Pacific Economic Framework has a great deal of potential in the digital area to meet high standards, and high labor and environmental standards, as well. So I think that there is a great deal of anticipation and enthusiasm for this framework, and it will be a first step that we can build on going forward.

Senator COONS. Thank you, Ambassador Kennedy. And I appreciate also your recognition of the key role that some of the island states in the Pacific can play. There was just a hearing previously this week on the Tuna Treaty. There are some ongoing challenges in terms of COVID and economic pressure on Palau, Kiribati and others, and we would welcome your advice and engagement on that work as well.

Ambassador Goldberg, great to see you again. I really enjoyed our time together in Colombia, an absolutely critical nation that is about to face a significant election, and I am excited that you have

been nominated for this very central role in our Indo-Pacific strategy. I look forward to your answers to my compound question.

Ambassador GOLDBERG. Thank you, Senator Coons. Good to see you again. The Indo-Pacific is, as Ambassador Kennedy mentioned, in search of American leadership on economic issues, as much as on military and security issues. So it is a key area that we need to develop.

South Korea has some outward-looking programs working with us in the Indo-Pacific, a southern policy started by President Moon that I have little doubt will be continued under President-elect Yoon, and has a lot to offer in the areas of the digitalized economy and infrastructure and the kinds of outward-looking programs that we anticipate with the Indo-Pacific Economic Framework.

On the PRC, clearly we are going to work with friends, partners, allies on supply chains, making all of ourselves less dependent on China. In the case of the Republic of Korea, there are investments being made here in the United States for electric batteries, for semi-conductors. There is a lot we can do in artificial intelligence. There are all kinds of areas where we can work with the ROK to help also limit dependence on China, and those are things we need to work on together, and, if confirmed, I would be very, very anxious to do so.

Senator COONS. Thank you, Ambassador.

Ms. Carlson?

Ms. CARLSON. Thank you. I guess I would start with the question of what are we doing right in this area, and I think if we look at the Philippines, we are doing a lot right. We have very vibrant trade and investment relationships going both ways, and if confirmed, I would work to strengthen those relationships.

Before the pandemic, the Philippines was one of the fastest growing economies in the region. There is a great deal of potential. My colleagues have already mentioned a number of the areas in high tech, and also we have the importance of supply chains that we want to work on with the Philippines. And I think if we look at our values, we are focused on transparency and predictability in the area of economic development, and I think that is our real strength when we compare ourselves and when others compare us to our competitors.

Senator COONS. Mr. Chairman, would you tolerate me asking one more question? Thank you.

Mr. Nathanson, it is great to see you. I am excited that you have been nominated for this important relationship with the Kingdom of Norway. They are a key partner, a NATO ally, a long and deep relationship in no small part because of the significant diaspora community here.

I would just be interested in your thoughts on what that relationship looks like now after the Russian invasion of Ukraine and the renewed focus on European collective security. How has our defense cooperation shifted, and how might it further shift, including through the Supplementary Defense Cooperation Agreement, and anything you care to share about the Nordic nations and their relationships with us which might shift? Norway has long enjoyed active participation in NATO, but their neighbors to the east have so far declined to pursue that. I wondered if you thought that was

something that might end up being in your bailiwick as our ambassador, if confirmed?

Mr. NATHANSON. Nice to see you again, Senator Coons. I believe our relationship with Norway, because of Russia's actions in the Ukraine, has only strengthened. Norway has announced increased spending for both NATO and its own military defenses. We have encouraged that. If confirmed, I would work with Norway and our military leaders to make sure that they are strong and that the northern border which borders Russia in the Arctic, which they call the High North, is even stronger than it is today.

Norway is very concerned about this. They continue to be very focused on it, and I think hopefully they will work with their neighbors to be more aware. In recent exercises where over 30,000 American and troops from 27 other countries participated in the Arctic, both Finland and Sweden also participated. I think this was an excellent sign, and I think we can see Norway working with its neighbors in Finland and Sweden, in Denmark and Iceland, to even work more together in military defenses of the Nordic nations.

Senator COONS. Thank you.

Thank you, Mr. Chairman.

Senator MURPHY. Thank you, Senator Coons.

I just have a few additional questions. I will be happy to entertain a short second round before we let you all go. We have one more vote pending.

Ms. Carlson, I wanted to drill down a little bit more on this tension we have with the Philippines. You talked appropriately about the scope of our defense and security partnership. We see them as a key friend and ally as we seek to address China's designs to expand their influence in the region. But, listen, we cannot look the other way when reportedly up to 20,000 or more people have died since President Duterte came into office, many of them outside of any formal legal process. This is a stunning turn of events in the Philippines.

I tend to think that at this moment in time, when we see this war being waged on democracy around the world, we should err on the side of human rights and democracy when we have a conflict between security and rule of law. What I have found in my brief time on this committee is that oftentimes ambassadors, who are charged with maintaining a good relationship with the home country, are often not on the leading edge of recommending policies that will get tougher, that may change the nature of our relationship as a means to send a message about how much we value human rights, the rule of law, and democracy.

You talked about your willingness to step up and assert our interests when it comes to protecting the rights of human beings in the Philippines, but what are the tools that are at your disposal? Is it enough to just occasionally raise issues in private meetings? What else can a good, thoughtful, capable ambassador do? What tools do you have, what tools do you need in order to do more than just raise objections?

Ms. CARLSON. Thank you very much. I will commit here to say it is more than just a willingness; you have my commitment. But, if confirmed, I will raise those tough issues that you just mentioned. Human rights, respect for human rights, is fundamental to

the U.S.-Philippine relationship. We have ongoing conversations all the time about these hard questions. Friends, partners, allies know how to have those tough conversations. We do not always see the results that we want, but we continue to have the conversations.

Some of the tools that we have in our foreign policy toolkit are, for example, Leahy sanctions. We make sure that we do not give any assistance to any police or military entities that engage in gross violations of human rights. That is one tool that we have. Anytime that we export arms, we make sure that none of those firearms go to entities that have violated human rights.

So we continue to actively monitor human rights abuses and have those difficult conversations with all sectors of the Government. At the same time, we work in close concert with civil society organizations. Senator Coons just mentioned, I believe, the conversation with—I am sorry, somebody did—with the visiting journalist, Maria Ressa, from the Philippines. And if confirmed, I would continue to have those conversations across the civil society bodies and with the Government and use every tool at our disposal to make sure that as friends and partners, we continue together to promote our shared values.

Senator MURPHY. I appreciate that answer. It is a strong one, and I know these decisions are sort of above your level of responsibility. But for the record, we do not have a very good record of refraining from security sales and arms sales to countries with pretty miserable records on human rights, whether it be the UAE, the Saudis, the Egyptians. I think right now we have that balance incorrect. I look forward to working with you on this.

One last question for you, Mr. Goldberg. You have had a really remarkable diplomatic career. This is going to be your third posting as an ambassador. You served as a chargé in a number of places. We are having a really hard time confirming ambassadors here. In fact, it is stunning how difficult it is to get career public servants in ambassadorial posts. It seems that many of my colleagues are pretty blasé about the effects of that, the impact of it. I can understand that to an extent because our chargés are remarkable, they do great work. But it strikes me that there is a big difference between having an ambassador and having a chargé, and you have seen that difference.

So I would just love to get your candid thoughts before the committee as to why it is important to have ambassadors in key countries and what the difference is between that and having a chargé.

Ambassador GOLDBERG. I very much appreciate the chance to do so, Senator Murphy. Having a career or a non-career ambassador confirmed by this body, nominated by the President, brings a prestige and authority that a chargé cannot really fully have. I was a non-confirmed Chief of Mission in Kosovo many years ago when it was being administered by the United Nations, and because of the United States' image in Kosovo, it brought a great deal of authority.

But still, when you are dealing with other parts of our government, as much as the Government to which you are accredited, you do not have the same voice and the same kind of authority to speak about issues. We all have been nominated by President Biden for

these jobs. We are looking to you for confirmation, and that in and of itself is an important indicator to another government.

Access is another issue. There are a lot of foreign governments that do not want to necessarily meet at a very high level with chargés, and so that is an important point as well.

So I do believe we need our Ambassadors in place. We need them to do their work and to carry out the business of our foreign policy.

Senator MURPHY. Thank you very much.

Thank you all.

Senator Romney?

[No audible response.]

Senator MURPHY. Good.

Well, thank you all for your testimony today. We look forward to getting you on the job as quickly as possible.

We are going to keep the hearing record open until 5 o'clock tomorrow for additional questions for the record.

And with that, this hearing stands adjourned.

[Whereupon, at 11:51 a.m., the hearing was adjourned.]

Additional Material Submitted for the Record

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. CAROLINE KENNEDY BY SENATOR ROBERT MENENDEZ

Question. Beyond our security partnership there are significant opportunities for the United States and Australia to better coordinate our development and economic statecraft efforts. As you look around the Indo-Pacific, where do you think we can best look for opportunities to step-up coordination that allows each of our nations to play to our comparative advantage?

Answer. The United States and Australia stand steadfast with allies and partners in the region in support of a shared vision and shared values, and the determination to call out and respond to countries that attempt to undermine them. I know from my time as Ambassador to Japan that the region is eager for U.S. economic engagement. As the largest development assistance partner in the Pacific region and the only country with an Embassy in every Pacific Island nation, Australia is a leader in the region. If confirmed, I look forward to working with Congress, my State Department counterparts, Mission Australia personnel, and the Australian Government to identify the best opportunities to step up coordination in development assistance, multilateral engagement, and infrastructure partnerships.

Question. I am very concerned about directed energy attacks on U.S. Government personnel (so-called Anomalous Health Incidents). Ensuring the safety and security of our personnel abroad falls largely on individual Chiefs of Mission and the response of officers at post. It is imperative that any individual who reports a suspected incident be responded to promptly, equitably, and compassionately. Do you agree these incidents must be taken seriously, and pose a threat to the health of U.S. personnel?

Answer. Yes. I am deeply troubled by reported anomalous health incidents that have affected U.S. Government personnel and their family members. Serving one's country overseas should not come at the cost of one's health. If confirmed, the health, safety, and security of Mission Australia staff and their families will be my highest priority.

Question. If confirmed, do you commit to ensuring that any reported incident is treated seriously and reported quickly through the appropriate channels, and that any affected individuals receive prompt access to medical care?

Answer. Yes. If confirmed, I commit to ensuring that all reported potential anomalous health incidents are given serious attention and reported swiftly through the appropriate channels. I will also ensure that staff who are affected by these incidents receive prompt access to the treatment, support, and medical care that they need.

Question. Do you commit to meeting with medical staff and the RSO at post to discuss any past reported incidents and ensure that all protocols are being followed?

Answer. Yes. If confirmed, I commit to meeting with medical staff and the RSO at Embassy Canberra to discuss any reported anomalous health incidents. If confirmed, I will work to be prepared to protect the safety of Mission Australia and ensure that all protocols regarding anomalous health incidents are being followed.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. CAROLINE KENNEDY BY SENATOR JAMES E. RISCH

Question. If confirmed, do you commit to ensuring we sustain the momentum behind the AUKUS partnership?

Answer. Yes. If confirmed, I will ensure that we build upon the significant momentum already achieved in the first six months of the AUKUS partnership, as described in the April 5th statement of President Biden and the Prime Ministers of Australia and the United Kingdom. If confirmed, I look forward to learning more about AUKUS and working hard to further this ground-breaking, ambitious, and enhanced trilateral partnership. The AUKUS partnership will play a vital role in the U.S-Australia relationship, and I will work to ensure that the entire Mission Australia team supports all aspects of the AUKUS partnership.

Question. If confirmed, do you commit to include ensuring the partnership yields concrete near-term wins to show its effectiveness, and that the Department of State is robust in engaging with the DoD, NSC, and AUKUS partners to advance the partnership? How will you go about doing that?

Answer. Yes. If confirmed, I look forward to learning more about where the partnership can produce near-term wins and driving toward those milestones. I would ensure that my Mission Australia team continues to work closely with the Washington interagency, including the Department of Defense, Department of Energy, and the National Security Council, and closely with Congress and our AUKUS partners to advance the partnership.

Question. What are your views on the current situation in the Taiwan Strait?

Answer. If confirmed, I would work closely with Australian leaders to ensure we remain aligned across the full range of policy priorities, including maintaining peace and stability across the Taiwan Strait. Like the United States, Australia enjoys robust unofficial ties with Taiwan in accordance with Australia's own one-China policy. We share similar concerns over provocative PRC actions in the Taiwan Strait, and if confirmed, I would work with Australia to urge Beijing to cease its military, diplomatic, and economic pressure against Taiwan, and instead engage in meaningful dialogue. I would also support U.S.-Australian cooperation in support of Taiwan's international space under the Global Cooperation and Training Framework, of which Australia is a valued global partner.

Question. What opportunities do you see for the U.S. and Australia to cooperate on supporting Taiwan, including defense, civilian resilience to Chinese coercion and aggression, and economics and trade?

Answer. Consistent with our one China policy, the United States makes available to Taiwan defense articles and services necessary to enable it to maintain a sufficient self-defense capability commensurate with the People's Republic of China's (PRC) threat to Taiwan. Like the United States, Australia enjoys robust unofficial ties with Taiwan in accordance with Australia's own one-China policy. It is critical that the PRC understand that peace and stability in the Taiwan Strait is not merely a U.S. interest but an international interest, as it is essential to regional and global stability and prosperity. If confirmed, I commit to working closely with Australia to use all tools to promote peace and stability in the Taiwan Strait.

Question. Taiwan needs support for civilian defense and resilience efforts, especially now that it's set up the new All-Out Defense mobilization. What are your views on U.S. efforts to work with Australia in this area?

Answer. Like the United States, Australia enjoys robust unofficial ties with Taiwan and opposes unilateral changes to the status quo across the Taiwan Strait. If confirmed, I commit to working closely with Australia to use all tools—including diplomacy and development—to strengthen Taiwan's resiliency.

Question. Australia has taken many steps to increase scrutiny of Chinese political influence and investment in Australia. What lessons should the U.S. learn from Australia on this issue?

Answer. Australia has remained steadfast in its resistance to PRC economic coercion, despite continued pressure, and serves as an example to other countries facing similar pressure. Australian officials have publicly condemned PRC disinformation campaigns and political interference attempts, and have warned the public of sophisticated malicious cyber activities carried out by actors with ties to the state. In December 2020, Parliament passed legislation that significantly increased the Government's authority to review foreign investments in national security businesses. Additionally, Australia has blocked PRC participation in its 5G network, prohibited several deals involving PRC investment in Australia and the region, and financed the purchase of the largest telecom company in the South Pacific to safeguard the region's ICT infrastructure. If confirmed, I am committed to learning more from Australian Government, business, and civil society leaders about their experience so that we can build resilience in the United States and abroad.

Question. Where can the U.S. work more closely with Australia on malign political influence?

Answer. If confirmed, I look forward to learning more from Australia about how we can work more closely to counter disinformation and malign political influence. Drawing on the lessons learned from Australia's economic and political resilience in the face of PRC coercion, I would seek to engage with Australia where our mutual interests are being undermined by PRC actions, including in the Pacific Islands. I would also work with Australia through multilateral configurations, such as the Quad disinformation working group.

Question. As U.S. Ambassador to Japan under President Obama, you strongly supported the Trans-Pacific Partnership (TPP). Is that still the case today, and do you support the follow-on Comprehensive and Progressive Trans-Pacific Partnership (CPTPP)?

Answer. Much has changed in the world since the original TPP was signed in 2016. Despite the United States' withdrawal from TPP (now CPTPP), the U.S.-Australia economic relationship, which is underpinned by the U.S.-Australia Free Trade Agreement and our growing cooperation on critical technologies and supply chains, is as strong as ever. I understand that countries in the Indo-Pacific region are eager for greater U.S. economic engagement and that the Administration is looking at a range of options that promote shared goals of high standards, cooperation, and inclusive prosperity. If confirmed, I would work with the White House, other agencies, and Congress to negotiate and develop trade policies that advance the interests of all Americans, support American innovation, and enhance our competitiveness.

Question. China has applied to join CPTPP. Even before full membership, it could join as an observer, which would give it huge influence over the future of trade in the region. In your view, what are the consequences of China being in CPTPP, while we are not in it?

Answer. I understand that the PRC has submitted a formal request to join CPTPP. The United States is not a party to the CPTPP; therefore, it defers to CPTPP parties regarding views on the PRC's potential accession. That said, if confirmed, I would engage with Australia and other partners who are members of the CPTPP to encourage them to take the PRC's non-market trade practices and use of economic coercion against other countries into account in their evaluation of the PRC as a potential candidate for accession.

Question. Based on your assessment to the previous question, what should the U.S. be doing on trade and economics in the Indo-Pacific?

Answer. I understand the Administration is looking at a range of options to forge stronger economic partnerships in the Indo-Pacific that promote shared goals of cooperation and inclusive prosperity. We must be committed to strengthening trade and investment in the region in a manner that promotes good paying American jobs, high standards, and supply chain resiliency and offer the same benefits for our Indo-Pacific partners. The administration's approach to trade is focused on supporting American working families, defending our values, and protecting the long-term prosperity and security of the United States. The United States is focused on making investments in U.S. workers and U.S. competitiveness before signing new trade agreements, including in the Indo-Pacific. If confirmed, I would support the Administration's trade policy.

Question. I have heard consistent feedback from Indo-Pacific allies and partners that the Indo-Pacific Economic Framework (IPEF) leaves a lot to be desired—especially since there is no market access component and the Administration has stated it will not conclude free trade agreements. What is your understanding of what IPEF seeks to achieve? Without market access, what incentive do our partners have to cooperate through IPEF?

Answer. As President Biden announced at the East Asia Summit, the United States is developing an Indo-Pacific Economic Framework (IPEF), in consultation with allies and partners in the region, to position our economies for the future. The framework will address trade facilitation, the digital economy, supply chain resilience, infrastructure, decarbonization and clean energy, and other areas ofμsharedμinterest. I understand this framework is in early stages of development, and I am not read in on country-specific details. My understanding, however, is that there is a strong desire from partners in the region for increased U.S. trade, investment, and overall economic engagement. If confirmed, I look forward to working with allies and partners to make progress on our shared priorities and advance sustainable and inclusive growth across the region with guidance from the White House, Commerce, and USTR, who have the lead on IPEF.

Question. If confirmed, what would you do to ensure that the United States advances a robust and actionable trade and economic agenda with Australia and in the broader Indo-Pacific region?

Answer. The United States is Australia's most important economic partner. Two-way trade has nearly doubled in the 15 years since we signed our Free Trade Agreement. The United States remains Australia's largest source of foreign investment, generating innovation—and high-paying jobs—in the technology, defense, space, and health care sectors in both our countries. U.S. and Australian public-private partnerships are working toward ending the global pandemic, as well as helping develop standards for critical and emerging technologies, including quantum computing, artificial intelligence, 5G, biotechnology, the digital economy, and space. Australia is also well placed to assist us with critical mineral supply security. If confirmed, I would work closely with my colleagues in USTR and other agencies to promote the Administration trade policy.

Question. China is reportedly concluding a security and policing agreement with the Solomon Islands. In your view, what are the implications for the U.S. and Australia if this comes to pass, and what should the U.S. be doing about it?

Answer. I know that the United States values its relationship with Solomon Islands, remembering well the friendship that was forged by our shared sacrifices in World War II, a friendship that aided in the rescue of my father during the war. The United States and its allies and partners have helped maintain peace and security in the Indo-Pacific region in the post-World War II era, providing stability that has facilitated economic prosperity. Australia has longstanding economic, people-to-people, law enforcement and security ties with Solomon Islands. U.S. allies and partners in the region, including Australia, have expressed concerns about how this agreement may threaten the current regional security paradigm. Such an agreement could set a concerning precedent for the wider Pacific Islands region. If confirmed, I will closely coordinate with the Australian Government, other partners in the Pacific, other U.S. Government agencies, and Congress to maintain peace and prosperity in the region.

Question. Do you commit that you will not advise Secretary Blinken, the President, or any other official to sacrifice other U.S. interests or make concessions for the sake of an agreement with or promises from China on climate change?

Answer. Support for democracy, economic development, transparency, human rights, and human dignity are not mutually exclusive, and go hand-in-hand with climate progress. As Special Presidential Envoy Kerry has noted, climate is a critical standalone issue, and other aspects of the U.S.-China relationship will not be traded for U.S. interests. We can both compete with the PRC and work to prevent and reverse climate change's effects. If confirmed, I will advocate for climate and U.S. interests to remain at the forefront of American foreign policy.

Question. If confirmed, what would you seek to accomplish in your first 100 days as U.S. Ambassador?

Answer. If confirmed, I would endeavor to engage with numerous stakeholders in the U.S.-Australian relationship here in the United States before departing for Post. During that time, I would work closely with colleagues at the State Department and in Mission Australia to develop a plan for the first 100 days that addresses the most important issues and engages the key constituencies in Australia as soon as pos-

sible. Upon arriving in Canberra, I hope to have substantive discussions about our bilateral security and diplomatic relationship with my government counterparts, including on AUKUS and the Quad. I would meet with the American business community in Australia as well as Australian corporate leaders in an effort to promote our two-way economic relationship, including in the areas of critical minerals, supply chain security, and scientific and technological collaboration. I will make a special effort to reach out to those who have not been as engaged with Mission Australia recently, with a focus on the entire continent, young people, and diverse communities to ensure that the groundwork is solid for an even stronger relationship in the coming years.

Question. Many U.S. missions have been under enormous stress over the last few years, in large part due to COVID. What is your understanding of morale throughout Mission Canberra?

Answer. I know that Mission Australia has faced some of the most stringent lockdown and quarantine requirements in the world. Australia has only recently lifted all COVID-related restrictions. Despite that, I understand Mission Australia is, unsurprisingly, a sought-after posting. If confirmed, I look forward to learning more about how COVID has affected our Mission personnel over these last few years and doing whatever I can to improve morale.

Question. How do you intend to improve morale at Mission Canberra?

Answer. If confirmed, I look forward to working closely with the teams at Mission Australia to understand and address any issues affecting morale. I am aware that the past couple of years have been difficult as embassies and consulates around the globe have grappled with the pandemic and an increasingly fragmented world. I will listen and learn from my colleagues, particularly the first and second tour professionals and the local staff, about the challenges they face that I might not otherwise be aware of, and I will seek their suggestions for improvement. I will try to use my position as Ambassador to empower my colleagues at Mission Australia as they work across the range of issues in our bilateral relationship, and in the region more broadly.

Question. How do you intend to create a unified mission and vision at Mission Canberra?

Answer. If confirmed, I will start by listening to those already in Mission Australia. I will work to engage with the entire community in a variety of settings—small groups, country team meetings, and town hall gatherings. I will seek community input and articulate my priorities and those of the Biden-Harris administration. I will travel to all the U.S. consulates in Australia as well as other locations where U.S. Government employees are working to make sure they feel included in our mission. I will endeavor to be open and inclusive and set high expectations for myself and for others. I will take the time necessary to make sure that the entire community has a shared set of goals

Question. Management is a key responsibility for Chiefs of Mission. How would you describe your management style?

Answer. I believe strongly that the Ambassador must set high ethical standards, and I was recognized for doing so during my time in Japan. In my life, I have been fortunate to learn by example and I hope that I can model good performance for my colleagues while welcoming feedback as to how I can do better. I defer to the experts on issues and processes within the State Department, and I work to be open and inclusive to all members of the community about their concerns. I am always looking for reasons to celebrate our successes as a community and work to correct our shortcomings.

Question. Do you believe it is ever acceptable or constructive to berate subordinates, either in public or private?

Answer. No. I don't believe it is acceptable to berate or belittle subordinates in public or in private.

Question. How do you envision your leadership relationship with your Deputy Chief of Mission?

Answer. The relationship between an Ambassador and a Deputy Chief of Mission (DCM) is critical to the success of a Mission. I experienced this first-hand in Japan. If confirmed, I would rely heavily on my DCM for his/her expertise in the processes and procedures of the State Department and his/her knowledge of Australia. I would seek a strong partnership and a relationship based in trust and confidence.

Question. If confirmed, what leadership responsibilities do you intend to entrust to your Deputy Chief of Mission?

Answer. If confirmed, I will rely on my DCM's career-knowledge of Department policies and procedures to ensure the smooth functioning of Mission Australia. I welcome a close partnership and look forward to discussing other areas of DCM leadership with him/her.

Question. In order to create and continue employee excellence at the Department, accurate and direct employee evaluation reports (EERs) for Foreign Service Officers are imperative, though often lacking. Do you believe that it is important to provide employees with accurate, constructive feedback on their performances in order to encourage improvement and reward those who most succeeded in their roles?

Answer. Yes. If confirmed, I will be transparent with my colleagues on their performance. This means rewarding those who are succeeding in their roles and providing constructive feedback. I will seek out dissenting views, listen to the experts, and welcome candid and open feedback. I will hold myself and my team to the highest standards and ensure we are accountable at all levels.

Question. If confirmed, would you support and encourage clear, accurate, and direct feedback to employees in order to improve performance and reward high achievers?

Answer. Yes. If confirmed, I will be transparent with my colleagues on their performance. This means rewarding those who are succeeding and providing constructive feedback and opportunities for improvement when necessary. I will also welcome candid and open feedback.

Question. It is imperative that U.S. diplomats get outside of posts abroad to meet with local actors, including host government officials, non-government organizations, and fellow foreign diplomats stationed in Australia. In your opinion, do U.S. diplomats get outside of our Embassy walls enough to accomplish fully their missions?

Answer. My experience as Ambassador to Japan has taught me that State Department employees work hard to learn about the country in which they are serving. I believe that the ability of U.S. diplomats to engage with local populations in their host country is vital to the national security, economic prosperity, and people-to-people ties of the United States. They are America's eyes and ears around the world and the best representatives of the values upon which our country is built. Getting beyond the Embassy walls is also essential to their professional development and success. If confirmed as Ambassador, my first priority is the safety and well-being of Mission employees. As long as it is safe, I will encourage Mission employees to make outreach a priority.

Question. How do you intend to improve the ability of U.S. diplomats to better access all local populations?

Answer. If confirmed, I will encourage Mission Australia employees to visit new venues and interact with groups that have not been regular participants in Mission events. I would place special emphasis on students—both at the high school and college level—who I would encourage to study in the United States. During my time in Japan, I worked hard to increase student mobility and also traveled to a number of campuses in the United States to encourage Americans to study overseas. First and Second Tour Officers/Professionals may be best suited to this sort of engagement because of their recent non-State experience, and it gives them a chance to develop public diplomacy skills. I would also encourage Embassy personnel to visit and learn about new and diverse communities—bearing in mind that there are sometimes complex dynamics in navigating domestic social issues in other countries. Their insights can help prioritize these activities. I will also encourage CODELS and other high-level visitors to accompany our diplomats on these visits as Congressional interest is the best way to drive results.

Question. Public diplomacy is an important aspect of U.S. foreign policy efforts. What is the public diplomacy environment like in Australia?

Answer. There is a vibrant and active public diplomacy environment in Australia. If confirmed, I will work to expand and strengthen the already deep people-to-people ties, which form the basis of our close partnership. These relationships have contributed to the strong mutual trust between our governments and our close economic ties.

Question. What public diplomacy challenges do U.S. diplomats face there?

Answer. The public diplomacy environment in Australia is vibrant and active. Our people-to-people ties are strong and deep and form the basis of our close partner-

ship. However, polling shows younger and diverse audiences are more skeptical of the U.S.-Australia alliance. Building relationships and overcoming skepticism with future Australian leaders will take more concerted outreach and trust-building, but ultimately pays dividends for the future of the alliance. If confirmed, I will work with Mission Australia, and in particular the Public Diplomacy team, to engage with younger and diverse groups.

Question. How do you balance the importance of Main State versus the in-country mission when it comes to tailoring public diplomacy messages for foreign audiences?

Answer. If confirmed, I will work with the team at Mission Australia to understand and protect the Mission's crucial role in formulating public diplomacy programs and responses. The staff of Americans and Australians at the Embassy in Canberra and the Consulate Generals in Melbourne, Perth, and Sydney all provide expertise and local insight. If confirmed, I will draw on their expertise to ensure our public diplomacy messages are appropriate for the local audience, while reflecting our key foreign policy priorities.

Question. "Anomalous health incidents," commonly referred to as "Havana Syndrome," have been debilitating and sidelining U.S. diplomats around the world for years. They have caused serious, negative consequences for U.S. diplomacy, yet many believe that the Department is not doing enough to care for, protect, and communicate to its personnel. If confirmed, do you commit to taking this threat seriously?

Answer. I am deeply troubled by the reported anomalous health incidents that have affected U.S. Government personnel and their family members. Serving one's country overseas should not come at the cost of one's health. Such incidents may pose a threat to the wellbeing of U.S. personnel and must be taken extremely seriously. If confirmed, the health, safety, and security of Mission Australia staff, their family members, and all those supporting the Mission will be my highest priority.

Question. [Re: Anomalous health incidents] If confirmed, do you commit to talking as openly as you can to Mission Canberra personnel?

Answer. Yes. If confirmed, the health and safety of Mission personnel will be my highest priority.

Question. In the State Department's 2021 Trafficking in Persons Report, Australia was on Tier 1 for meeting the minimums standards for the elimination of human trafficking. However, its trafficking convictions remain low in comparison to the number of trafficking cases. Additionally, trafficking sentences have been lenient. If confirmed, do you commit to work with the Government of Australia to improve conviction rates as well as sentence terms for traffickers?

Answer. Trafficking in persons is a matter of deep concern to me. If confirmed, I would actively encourage the Australian Government to strengthen efforts to increase the investigation and prosecution of trafficking crimes, and sentence convicted traffickers to significant prison terms.

Question. In the State Department's 2020 International Religious Freedom report, Australia has experienced acts of antisemitism and targeting or religious minorities. If confirmed, do you commit to working with the Government of Australia to combat antisemitism and targeting of religious minorities?

Answer. Yes. If confirmed, I am committed to doing everything possible to promote and protect universal respect for the right to freedom of religion or belief for all, to include working with the Australian Government to combat antisemitism and targeting of religious minorities. Respect for the right to freedom of religion or belief is a core value for both Americans and Australians.

Question. Additionally, the 2020 International Religious Freedom report note that members of the Uyghur community in Australia have been harassed by the Chinese Government in country. How would you work with the Australian Government to address harassment of Uyghurs and other minorities by the Chinese Government?

Answer. Australia has clearly and consistently called on the PRC Government to respect the human rights of predominantly Muslim Uyghurs and members of other religious and ethnic minority groups. I also welcome Australia's public comments regarding human rights in the PRC, including in Hong Kong, Tibet, and Xinjiang. If confirmed, I would work with the Government of Australia to explore ways to protect members of the Uyghur community and other diaspora groups experiencing harassment by PRC officials in Australia, as well as identify opportunities to jointly advocate for their human rights in the PRC.

Question. In the State Department's 2020 Human Rights Report, Australia was identified as having significant human rights abuses including credible allegations of deaths or injury related to prison abuse, particularly of minority groups and persons with disabilities. If confirmed, how will you work to improve prison conditions, in particularly for minority groups and persons with disabilities?

Answer. There is a need to frankly address necessary improvements of prison conditions with a partner like Australia, and that means admitting our own imperfections openly. Although the 2021 Human Rights Report identified no significant reports regarding prison conditions that raised human rights concerns, there is always work to be done to sustain appropriate conditions. If confirmed, I would ensure Mission Australia shares the ways we are attempting to address the deficiencies in our justice and corrections systems, promotes those actions to benefit Australia, and explores ways our own civil society groups can engage with Australian civil society as we pursue common aims. Fostering people-to-people ties with Australia will be one of my key priorities as Ambassador, if confirmed. I see opportunities to deepen engagements between U.S. and Australian civil society groups. I would work with my Mission team to prioritize engagement across the spectrum of Australian society, including with groups looking to address these issues.

Democracies are judged by their respect for human dignity and individual rights, including the rights of members of minority groups, those with disabilities, and those who are incarcerated. My family has a deep and long-standing commitment to working to better the lives of those with intellectual disabilities and to addressing discrimination towards them. While writing a book on the Bill of Rights, and while working with the NYC Department of Education, I spent time with death-row prisoners in Virginia and Arizona and in high schools located in detention facilities in New York City to look at these issues. In Japan, I learned about the work of consular officers assisting U.S. citizens detained in Japan and advocated with the Japanese Government for their release on humanitarian grounds. If confirmed, I look forward to working with Australian Government entities and civil society groups on these issues, learning more about the Australian prison system and what needs to be improved, and to sharing lessons from the American experience while being honest about our shortcomings and goals for the future. Although the 2021 Human Rights report identified no significant reports regarding prison conditions that raised human rights concerns, if confirmed, I see opportunities to deepen engagements between the United States and Australia on these issues.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. CAROLINE KENNEDY BY SENATOR EDWARD J. MARKEY

Question. On April 5, the Biden administration provided an update on the Australia, United Kingdom, and United States security partnership, AUKUS. AUKUS will supply Australia technology for nuclear powered submarines and allows for the United States and its partners to preserve a free and open Indo-Pacific region.

- If confirmed, will you work with your counterparts at the State Department and with the Australian Government so that the strongest nonproliferation standards are upheld in the AUKUS deal?

Answer. Yes. Australia, the United Kingdom, and the United States are undertaking this effort in a way that reflects our longstanding leadership in global nonproliferation and rigorous verification standards, in partnership and consultation with the International Atomic Energy Agency. All three countries remain steadfast in their support of the Nuclear Non-Proliferation Treaty and the global nuclear nonproliferation regime. Australia remains committed to adhering to the highest standards for safeguards, transparency, verification, and accountancy measures to ensure the non-proliferation, safety, and security of nuclear material and technology. Australia also remains committed to fulfilling all of its obligations as a non-nuclear weapons state, including with the International Atomic Energy Agency. If confirmed, I will work with my State Department colleagues, Australia, and the UK to ensure the strongest nonproliferation standards are achieved in AUKUS cooperation.

Question. The United States Innovation and Competition Act of 2021, passed by the Senate and the America COMPETES Act passed by the House, both include a provision to create a Quad Intra-Parliamentary Working Group to facilitate progress on Quad Summit commitments.

- How can the Quad Intra-Parliamentary Working Group build on and complement other work being facilitated through the Quad?

Answer. Quad cooperation supports the United States' goal of realizing a free and open Indo-Pacific, and our vision for this multilateral mechanism is ambitious and far-reaching. If confirmed, I look forward to engaging with members of Congress on how best to support that goal and advance the work of the Quad, including with respect to any proposed intra-parliamentary working group.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. CAROLINE KENNEDY BY SENATOR TODD YOUNG

Question. If confirmed, what would you see as your role as Ambassador in furthering AUKUS?

Answer. The United States has an unrivaled network of allies and partners around the world, and our commitment to them is unshakable. As the United States advances a free and open Indo-Pacific, we will continue to work with and through longstanding multilateral organizations, like ASEAN, and informal multilateral mechanisms, like the Quad, in addition to working with our allies in the region, and around the world. The trilateral AUKUS partnership between the United States, Australia, and the United Kingdom, will strengthen our combined capacity to produce greater stability and security in the Indo-Pacific region. If confirmed, I look forward to learning more about the progress that has been made in the past six months and working to enhance joint capabilities and interoperability between the United States, Australia, and the United Kingdom. I will work to strengthen cooperation on emerging areas of importance, such as cyber, artificial intelligence, quantum technologies, hypersonics, and counter-hypersonics, electronic warfare, and additional undersea capabilities.

Question. One of the elements of the AUKUS partnership is advanced capabilities, such as AI, cyber, and quantum technologies. In your view, how does this partnership with Australia further U.S. leadership in emerging technology?

Answer. Through AUKUS, the United States seeks to significantly deepen cooperation on a range of security and defense capabilities. AUKUS partners have made strong progress in the four advanced capabilities that the President and Prime Ministers identified in September 2021. They have recently announced the intent to increase trilateral cooperation on hypersonics, counter-hypersonics, and electronic warfare capabilities. Our cooperation will also promote deeper information and technology sharing, and foster further integration of security and defense-related science, technology, industrial bases, and supply chains. As part of the broader bilateral relationship, U.S. and Australian researchers, universities, and companies have collaborated on research and development of cutting-edge technology in artificial intelligence, quantum technologies, and space exploration. The United States and Australia both benefit from a firm foundation in these technologies which will help grow our economies through high-skill, high-paying jobs. The United States benefits from Australia's research centers through shared scientific breakthroughs and testing of next-generation military capabilities. If confirmed, I look forward to representing U.S. interests as a leader in emerging technology.

Question. How would you hope to coordinate Quad actions and unity around a strategy with all of the other players, including for example U.S. representatives in Canberra, the NSC and State Bureaus?

Answer. The Quad now has successful and important lines of effort. If confirmed, I will work with interagency partners, including the NSC staff, and our Quad partners to ensure we are coordinating across the various lines of effort.

Question. On March 25, the Solomon Islands confirmed the country was finalizing a security pact with China, which would authorize sending military personnel to the islands and conducting ship patrols. What are the implications for the U.S. and Australia if this comes to pass, and what should the U.S. be doing about it?

Answer. I know that the United States values its relationship with Solomon Islands, remembering well the friendship that was forged by our shared sacrifices in World War II, a friendship that aided in the rescue of my father during the war. The United States and its allies and partners have helped maintain peace and security in the Indo-Pacific region in the post-World War II era, providing stability that has facilitated economic prosperity. The Solomon Islands response to Secretary Blinken's announcement of U.S. intent to open an Embassy in Honiara was over-

whelmingly positive. Australia has longstanding economic, people-to-people, law enforcement and security ties with Solomon Islands. U.S. allies and partners in the region, including Australia, have expressed concerns about how this agreement may threaten the current regional security paradigm. Such an agreement may set a concerning precedent for the wider Pacific Islands region. If confirmed, I will closely coordinate with Mission personnel, the Australian Government, the U.S. Ambassador in Papua New Guinea (accredited to Solomon Islands), and Congress to maintain peace and prosperity in the region.

Question. In your view, what ambitions does China have in the Pacific? If confirmed, what would be your message to the Government of Australia regarding securing the Pacific from Chinese aggression?

Answer. The PRC has adopted an increasingly provocative foreign policy. It is the only competitor potentially capable of combining its economic, diplomatic, military, and technological power to mount a sustained challenge to a stable and open international system. As Secretary Blinken has said, our relationship with the PRC will be competitive when it should be, collaborative when it can be, and adversarial when it must be. It is critical that we work alongside our allies and partners to engage the PRC. Australia will be a key partner in this challenge, and if confirmed, I will prioritize working with Australia on our shared goals, including addressing together PRC human rights abuses and violations and attempts to undermine the rules-based international order.

Question. How do you believe the U.S. should engage with Australia on China's application to join CPTPP? What is at stake if the U.S. does not attempt to engage in robust trade discussions with Australia and other nations in the region?

Answer. We would expect that the PRC's non-market trade practices, extensive market-distorting direct and indirect subsidies, and use of economic coercion against other countries would factor into CPTPP parties' evaluation of the PRC as a potential candidate for accession. If confirmed, I would work with allies and partners in the region to uphold international rules, maintain high standards, and ensure that the PRC is not permitted to undermine a free and fair Indo-Pacific.

Question. How do you believe the U.S. can leverage its relationships with Australia to build legitimacy for issue-based coalitions to address China's unfair trade practices?

Answer. The U.S.-Australia relationship has served as an anchor of peace, security, and prosperity in the Indo-Pacific. Americans and Australians share deeply rooted values of defending freedom, championing economic and social opportunity and inclusion, and respecting human rights and the rule of law. Australia has joined the United States and our allies and partners to express our joint concerns about the PRC's unfair trade practices including preferential treatment for state owned enterprises, data restrictions, inadequate enforcement of intellectual property rights, and forced technology transfer. The PRC's campaign of economic coercion against Australia has failed. Our success here can demonstrate to the world how high-standard, free, and fair markets can still outcompete the PRC and its reliance on unfair economic practices and low environmental standards. If confirmed, I will continue to work with Australia to address the PRC's unfair trade practices.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. PHILIP S. GOLDBERG BY SENATOR ROBERT MENENDEZ

IPEF

Question. The Indo-Pacific Economic Framework (IPEF) is a good first step, but needs to be more ambitious for the United States to send a clear message about our enduring presence in the region.

- If confirmed, what is your sense of where the opportunities lie to deepen the U.S.-Korea economic partnership and cooperation on supply chain security?

Answer. The ROK is our sixth largest goods trading partner, the world's 10th-largest economy, and an increasingly important partner on global economic issues including climate change, the COVID–19 pandemic, development assistance, and supply chain security. Korean firms are investing tens of billions of dollars in the United States, creating high-paying jobs in critical and advanced technology sectors, including semiconductors, electric vehicles (EV) and EV batteries, clean energy, and more. If confirmed, I would seek to further strengthen our economic partnership

with the ROK to enhance our mutual economic prosperity, advance our shared strategic interests, and tackle the most pressing 21st Century global challenges.

Our recent experience with the pandemic and semiconductor shortages has shown that strong and resilient supply chains are critical to our economic security. Our two countries have held several rounds of supply chain consultations, including through the U.S.-ROK Senior Economic Dialogue and the Department of Commerce-led Semiconductor Partnership Dialogue. We work closely with our Korean counterparts to ensure we maintain our competitive edge in critical technologies. If confirmed, I would push to continue deepening U.S.-ROK supply chain cooperation, particularly on semiconductors and critical and emerging technologies.

Anomalous Health Incidents

Question. I am very concerned about directed energy attacks on U.S. Government personnel (so-called Anomalous Health Incidents). Ensuring the safety and security of our personnel abroad falls largely on individual Chiefs of Mission and the response of officers at post. It is imperative that any individual who reports a suspected incident be responded to promptly, equitably, and compassionately.

- Do you agree these incidents must be taken seriously, and pose a threat to the health of U.S. personnel?

Answer. I am deeply concerned by potential anomalous health incidents affecting U.S. Government personnel and their family members. These incidents affect the wellbeing of U.S. personnel serving their country abroad and must be taken extremely seriously. In my current position as U.S. Ambassador to Colombia, and previously as Chargé d'affaires in Havana, I have made the health and safety of my staff my top priority, including by contributing to the extensive, ongoing interagency investigation into the cause of these incidents and how we can best protect our people. If confirmed, the health, safety, and security of Embassy Seoul staff, their family members, and all those supporting the Mission will continue to be my highest priority.

Question. If confirmed, do you commit to ensuring that any reported incident is treated seriously and reported quickly through the appropriate channels, and that any affected individuals receive prompt access to medical care?

Answer. In my current position as U.S. Ambassador to Colombia, and previously as Chargé d'affaires in Havana, I have made the health and safety of my staff my top priority. If confirmed, I would also commit to ensuring all reported incidents affecting Embassy Seoul and Mission Korea personnel are treated seriously and handled expeditiously through the appropriate medical and investigatory channels. I would ensure that any affected individuals receive prompt access to treatment and medical care. Moreover, that they receive our support and empathy.

Question. Do you commit to meeting with medical staff and the RSO at post to discuss any past reported incidents and ensure that all protocols are being followed?

Answer. In my current position as U.S. Ambassador to Colombia, and previously as Charge d'affaires in Havana, I have made the health and safety of my staff my top priority. If confirmed, I would commit to work closely with medical staff and the RSO at Embassy Seoul to discuss any past reported incidents and ensure that all protocols are being closely followed.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. PHILIP S. GOLDBERG BY SENATOR JAMES E. RISCH

Question. What opportunities do you see for the U.S.-ROK alliance given the recent presidential election in the ROK?

Answer. The U.S.-ROK alliance is ironclad and for decades has enjoyed broad support in both countries. The U.S.-ROK partnership expanded over the past year to include a global partnership, as evidenced by the successful May 2021 Summit between President Biden and President Moon. The joint statement released following the summit provided a vivid demonstration of the enormous breadth and depth of our expanding relationship.

If confirmed I look forward to working with President-elect Yoon to continue to deepen our security and economic cooperation, as well as our joint efforts to address key global challenges, including climate and clean energy, the COVID–19 pandemic, supply chain resilience, support for Ukraine, and many other issues.

Question. If confirmed, how would you work to help improve Japan-ROK ties, and thereby facilitate U.S.-Japan-ROK trilateral cooperation?

Answer. The Biden administration is committed to strengthening U.S. alliance relationships, particularly with our key allies the ROK and Japan. We have long encouraged the ROK and Japan to work together to address their bilateral issues in a way that promotes healing and reconciliation. Even while addressing sensitive historical issues, cooperation on our common regional and international priorities must proceed.

If confirmed as Ambassador, I would continue to focus, as one of my highest priorities, on deepening our trilateral cooperation, collaboration, and partnership to foster a forward-looking relationship that seeks to address the most pressing challenges of the 21st Century. In addition to work with both the S. Korean and Japanese Governments, I would promote more emphasis on business and people-to-people ties.

Question. North Korea is in its most active testing period in years. In your view, what are a few things the U.S. and ROK need to do to further strengthen the alliance and increase our readiness in light of these developments?

Answer. The Biden administration condemns the DPRK's ballistic missile launches, each of which has violated multiple UNSCRs. In particular, the DPRK's recent ICBM launches constituted a serious escalation. The United States has made clear that these unlawful and destabilizing activities will not be accepted by the international community as "normal," and stressed, that the only viable path forward for the DPRK is through diplomacy. If confirmed, I would ensure we continue to coordinate closely with the ROK to address the threats posed by the DPRK's WMD and ballistic missile programs, on how to best engage the DPRK, and to advance our shared objective of permanent peace and the complete denuclearization of the Korean Peninsula. This would include continued military exercises and readiness.

Question. How would you characterize China's approach to its relationship with the ROK in recent years?

Answer. The PRC's military modernization, coupled with its increasingly provocative actions, presents an urgent challenge to our vital interests in the Indo-Pacific and around the world. The Biden-Harris administration has shown we will address the PRC challenge from a position of strength, in which we work closely with the ROK and other allies and partners to defend and promote the rules-based international order.

Not only are the United States and the ROK stalwart allies, but the democratic governments of the United States and the ROK share a deeply rooted commitment to defend freedom and foster respect for human rights. If confirmed, I will work with the ROK to promote our shared vision for a free, open, and prosperous Indo-Pacific and strengthen our partnership on addressing PRC-related challenges, including by addressing supply chain issues and global cooperation on our shared democratic agenda.

Question. What kind of an approach do you think the new Yoon administration will take to China, and are there opportunities for greater U.S.-ROK cooperation to challenges presented by China to the Indo-Pacific region?

Answer. The U.S.-ROK Alliance is key to our efforts to promote a free, open, and prosperous Indo-Pacific. As a vibrant democracy, the ROK will play an increasingly important role as a model for liberal democratic values and a bulwark against the PRC's attempts to project its autocratic template in the Indo-Pacific region. The ROK is an important source of foreign direct investment in the Indo-Pacific, and it is already a major donor and leader in development efforts, including health security, climate change mitigation, and humanitarian assistance. If confirmed, I will ensure that we continue to enjoy a future-oriented partnership with the ROK, with a focus on positive cooperation with the Pacific Island countries, ASEAN, and in the Mekong sub-region. These measures will help counter coercive PRC activities in the Indo-Pacific.

Question. The ROK has applied to join CPTPP, as has China. Do you support ROK joining CPTPP?

Answer. The Biden-Harris administration remains committed to upholding a fair and open global trading system—one that follows through on our trading partners' longstanding commitment to conduct economic relations with a view to raising standards of living, ensuring full employment, and promoting sustainable development. If confirmed, I would work with USTR and other relevant interagency colleagues to address specific trade issues that may arise with the ROK. Also, as Presi-

dent Biden announced at the East Asia Summit, the United States is developing an Indo-Pacific Economic Framework to deepen economic relations in the region and coordinate approaches to addressing global economic challenges. As a U.S. ally and our sixth-largest trading partner, I understand we are closely consulting with the ROK on this effort, as well as its possible membership in CPTPP.

Question. In your view, what are the consequences of China being in CPTPP, while we are not in it? Based on your assessment, what should the U.S. be doing on trade and economics in the Indo-Pacific?

Answer. As President Biden announced at the East Asia Summit, the United States is developing an Indo-Pacific Economic Framework to deepen economic relations in the region and coordinate approaches to addressing global economic challenges. If confirmed, I would support working with allies and partners in the Indo-Pacific region, including the ROK, to address a range of economic issues, including fair and resilient trade, digital policy and emerging technology, infrastructure and clean energy, and anti-corruption. All such efforts must protect workers, transparency, and the environment and strengthen the rules-based economic order in the region.

Question. The U.S. Trade Representative announced the Indo-Pacific Economic Framework (IPEF) while in the ROK. What is your understanding of what IPEF seeks to achieve? What is your understanding of how IPEF will align with the U.S. free trade agreement with the ROK?

Answer. As President Biden announced at the East Asia Summit, the United States is developing an Indo-Pacific Economic Framework to deepen economic relations in the region and coordinate approaches to addressing global economic challenges. As a U.S. ally and our sixth-largest trading partner, I understand we are closely consulting with the ROK on this effort.

Question. If confirmed, what would you do to ensure that the United States advances a robust trade and economic agenda with Korea and in the broader Indo-Pacific region?

Answer. The U.S.-Korea Free Trade Agreement (KORUS), which just celebrated its 10-year anniversary, is the foundation of our bilateral trade and economic partnership. Since the signing of our FTA, U.S. exports of goods to the ROK have grown by more than 60 percent. The ROK is our 6th-largest goods trading partner, the world's 10th-largest economy, and an increasingly important partner on global economic issues including climate change, the COVID–19 pandemic, and supply chain security. When our two countries are aligned, we are a powerful force for setting standards for the Indo-Pacific region and the globe. If confirmed, I would work closely with my colleagues in USTR and other relevant agencies to promote the Administration's trade policy, which benefits American workers and U.S. competitiveness in our economic relationship with the ROK, as well as throughout the Indo-Pacific. I would also work to promote growing Korean investment in the U.S., which creates American jobs and opportunities.

Question. South Korea and the U.S. both have a lot of investment in Southeast Asia, and are seeking to spur more (in the U.S., that includes efforts by the Development Finance Corporation). In your view, are there opportunities for greater U.S.-ROK cooperation on economic development, infrastructure investment, and other related areas? If confirmed, what would you do to increase such cooperation?

Answer. The U.S.-ROK relationship is truly global in scope and, if confirmed, I would prioritize promoting the ROK's role as a leader both in the region and beyond. The U.S.-ROK Alliance is key to our efforts to promote a free, open, and prosperous Indo-Pacific. ROK foreign direct investment (FDI) in the United States has tripled since the signing of our KORUS FTA. The ROK is one of our largest Asian sources of foreign direct investment (FDI), with $62.4 billion total stock FDI in 2020. Korean firms are increasingly investing in high- and emerging-tech fields, creating 21st Century jobs for the American worker.

The ROK is also an important source of FDI and development assistance in the Indo-Pacific and a major donor and leader in development efforts, including health security, climate change mitigation, and humanitarian assistance. If confirmed, I would work to deepen our regional economic cooperation and ensure the U.S.-ROK relationship continues to be a future-oriented partnership, with a focus on positive cooperation with the Pacific Island countries, ASEAN, and in the Mekong sub-region.

Question. If confirmed, what would you seek to accomplish in your first 100 days as U.S. Ambassador?

Answer. The U.S.-ROK Alliance is the linchpin of peace, security, and prosperity in the Indo-Pacific and beyond. If confirmed, my top priority would be to deepen our cooperation on key regional and global challenges, while ensuring our alliance remains ready to respond to any threat to our shared security. In particular, I look forward to working with President-elect Yoon to deepen cooperation on enhancing supply chain resilience and further our joint efforts to combat the climate crisis and COVID–19 pandemic. I would also ensure we continue to coordinate closely with the ROK to address the threats posed by the DPRK's WMD and ballistic missile programs and to advance our shared objective of permanent peace and the complete denuclearization of the Korean Peninsula.

Question. Do you commit that you will not advise Secretary Blinken, the President, or any other official to sacrifice other U.S. interests or make concessions for the sake of an agreement with or promises from China on climate change?

Answer. As Secretary Blinken has said, our relationship with the PRC will be competitive when it should be, collaborative when it can be, and adversarial when it must be. The PRC has consistently sought to link its action on climate with the United States making changes in the bilateral relationship, and we reject that linkage. As Special Presidential Envoy Kerry has noted, climate is a critical standalone issue, and other aspects of the U.S.-China relationship will not be traded for PRC cooperation. We can both compete with the PRC and work to reverse climate change's effects. If confirmed, I would pursue cooperation with the PRC where it is in our interest to do so, and in consultation with the Congress, our partners and allies, and other stakeholders. I would work to rally allies such as the ROK to press Beijing to raise its climate ambition significantly during this critical period. I would also work with the ROK and other allies and partners in the region to address the PRC's state-centered, non-market trading practices.

Question. South Korea is a critical node in the global high tech supply chain, particularly on manufacturing parts for advanced semiconductor chips. As the Administration focuses on supply chain diversification and boosting U.S. semiconductor manufacturing, do you commit to ensuring the Administration take a holistic view of these issues, and not isolate our allies and partners such as South Korea?

Answer. The ROK is an increasingly important partner on global economic issues, including supply chain security. The United States and the ROK are working together to diversify and secure our supply chains in critical sectors, including semiconductors, high-capacity batteries, pharmaceuticals, and critical minerals. Our recent experience during the pandemic with semiconductor shortages has shown that strong and resilient supply chains are critical to our economic security. Our two countries have held several rounds of supply chain consultations, including through the U.S.-ROK Senior Economic Dialogue and the Department of Commerce-led Semiconductor Partnership Dialogue. If confirmed, I would push to continue deepening U.S.-ROK supply chain cooperation, particularly on semiconductors and critical and emerging technologies.

Question. South Korea is a major importer of U.S. liquefied natural gas (LNG). Before the Russian invasion of Ukraine, the Biden administration demonstrated a lot of reluctance to work with Indo-Pacific countries on natural gas issues—instead preferring renewables. As U.S. Ambassador, will you commit to continue supporting U.S. LNG exports to the ROK, and to support cooperation in natural gas issues in general?

Answer. The ROK is our sixth-largest trading partner and an important destination for U.S. auto, agriculture, and energy exports, including LNG. Total U.S. goods exports increased 29 percent in 2021 (compared to 2020), a trend I would work to continue, if confirmed. I would also support working with allies and partners in the Indo-Pacific region to continue to support U.S. exports, including as appropriate LNG, while also working to promote a clean energy transition in line with our shared climate goals.

Question. If confirmed, what would you seek to accomplish in your first 100 days as U.S. Ambassador?

Answer. The U.S.-ROK Alliance is the linchpin of peace, security, and prosperity in the Indo-Pacific and beyond. If confirmed, my top priority would be to deepen our cooperation on key regional and global challenges, while ensuring our alliance remains ready to respond to any threat to our shared security. In particular, I look forward to working with President-elect Yoon to deepen cooperation on enhancing supply chain resilience and further our joint efforts to combat the climate crisis and COVID–19 pandemic. I would also ensure we continue to coordinate closely with the ROK to address the threats posed by the DPRK's WMD and ballistic missile pro-

grams and to advance our shared objective of permanent peace and the complete denuclearization of the Korean Peninsula.

Question. Many U.S. missions have been under enormous stress over the last few years, in large part due to COVID. What is your understanding of morale throughout Mission Seoul?

Answer. My understanding is that Mission Korea is a very sought-after posting, with many officers returning for multiple tours throughout their careers due to the strong U.S.-ROK Alliance and the important work of Mission Korea in advancing U.S. policy goals. As I have not yet had the opportunity to work in Mission Korea, I do not yet know specifics, but as throughout much of the world, our employees in the ROK have faced COVID–19 mitigation protocols, quarantine requirements, and travel disruptions due to COVID–19 restrictions. This has led to lower morale at many posts. If confirmed, I would prioritize the health, safety, security, and morale of all employees in the Mission.

Question. How do you intend to improve morale at Mission Seoul?

Answer. If confirmed, I look forward to working closely with Mission Korea's senior leadership team to ensure mission morale is strong and to understand and address any issues affecting morale. I will also prioritize efforts to build resilience. COVID–19 caught the world by surprise, and there was no exception for the Department of State and its people. We have made substantial progress in providing greater work flexibilities for our Mission employees and rolled out situational telework policies to remain more agile than ever, especially during the recent peak of the omicron wave in Korea. These workplace flexibilities are not only good for the Mission, but they're also good for our people. We are committed to maintaining not only a flexible but also an inclusive workplace environment that puts the safety and well-being of our teams first. I have previously led four posts overseas as Chief of Mission, and two others as Chargé d'Affaires. I am proud of the high morale at all of these posts.

Question. How do you intend to create a unified mission and vision at Mission Seoul?

Answer. If confirmed, I would start by listening to the experienced staff and personnel already in Mission Korea to learn from their experiences and perspectives, then work closely with my senior leadership team to develop a shared vision of Mission priorities. I would also clearly communicate the foreign policy priorities of the Biden-Harris administration and facilitate structured, regularized conversations across the Mission to ensure good communication and coordination.

Question. Management is a key responsibility for Chiefs of Mission. How would you describe your management style?

Answer. I believe in being an inclusive manager and encouraging everyone to perform to the best of their abilities. Open communication and active listening are a central part of my management style, and, if confirmed, I look forward to learning from the experiences and perspectives of the Mission Korea team.

Question. Do you believe it is ever acceptable or constructive to berate subordinates, either in public or private?

Answer. I am strongly opposed to berating mission employees, either in public or private. If confirmed, I would commit to treat all members of the Mission Korea community with respect and dignity. When State Department performance reviews are required, I always conduct them with the goal of recognizing strong performance and helping every member of the team realize his or her potential. Our people are our most important asset, and if confirmed, I would do everything in my power to support and encourage our personnel to be the best they can be.

Question. How do you envision your leadership relationship with your Deputy Chief of Mission?

Answer. As an inclusive manager, if confirmed, I would strive to build a close, consultative relationship based on mutual respect that will empower my Deputy Chief of Mission (DCM) to ensure the smooth functioning of Mission Korea. I have served as a DCM myself and worked closely with many DCMs as a Chief of Mission. I would anticipate a smooth, collaborative effort based on trust and shared goals.

Question. If confirmed, what leadership responsibilities do you intend to entrust to your Deputy Chief of Mission?

Answer. If confirmed, I would rely on my DCM's knowledge of Department policies and procedures to ensure that Mission Korea is well-run and appropriately

resourced to achieve our foreign policy priorities. In addition, I would treat the DCM as an alter ego who would be ready to take charge when I am away from post.

Question. In order to create and continue employee excellence at the Department, accurate and direct employee evaluation reports (EERs) for Foreign Service Officers are imperative, though often lacking. Do you believe that it is important to provide employees with accurate, constructive feedback on their performances in order to encourage improvement and reward those who most succeeded in their roles?

Answer. We need to make sure we achieve the important work that the American people have put us in Korea to do. If confirmed, I would be forthright with my staff because honesty and transparency foster strong relationships and help to establish clear performance expectations. This means recognizing and rewarding those who are succeeding in their roles, while providing constructive feedback and ensuring that all employees have the opportunity to develop necessary skills and achieve their potential. I would also seek out dissenting views and listen to the experts, because that's how the best decisions are made. I always welcome candid and open feedback from my staff. I hold myself and my team to the highest standards and ensure we are accountable at all levels.

Question. If confirmed, would you support and encourage clear, accurate, and direct feedback to employees in order to improve performance and reward high achievers?

Answer. We need to make sure we achieve the important work that the American people have put us in Korea to do. If confirmed, I would be forthright with my staff because honesty and transparency foster strong relationships and help to establish clear performance expectations. This means recognizing and rewarding those who are succeeding in their roles, while providing constructive feedback and ensuring that all employees have the opportunity to develop necessary skills and achieve their potential. I would also seek out dissenting views and listen to the experts, because that's how the best decisions are made. I welcome candid and open feedback from my staff. I always hold myself and my team to the highest standards and ensure we are accountable at all levels.

Question. It is imperative that U.S. diplomats get outside of posts abroad to meet with local actors, including host government officials, non-government organizations, and fellow foreign diplomats stationed in the Republic of Korea. In your opinion, do U.S. diplomats get outside of our Embassy walls enough to accomplish fully their missions?

Question. Throughout my foreign service career, I have been impressed by the commitment exhibited by colleagues who have strived to develop a deep knowledge and understanding of the countries in which we served. The most successful of these made it a priority to engage directly with the community, learn the cultures, speak the host country languages, and get to know a wide range of people. Such relationships are critical to our work advancing U.S. priorities overseas and managing bilateral ties. I would, if confirmed, travel around Korea and do so myself.

Question. How do you intend to improve the ability of U.S. diplomats to better access all local populations?

Answer. If confirmed, I would encourage members of the Mission community to engage with host country nationals, particularly as COVID-related restrictions recede. Whether through our seven American Spaces in Seoul, Busan, Daegu, Gwangju, Pyeongtaek, Gangneung, and Jeju, or our outreach through traditional and social media, or our educational and cultural programming, we are committed to sustaining the strong friendship of the Korean and American people that is our strongest asset as we seek to advance shared interests within the ROK, regionally, and globally.

Question. Public diplomacy is an important aspect of U.S. foreign policy efforts. What is the public diplomacy environment like in the Republic of Korea?

Answer. There is a vibrant and active public diplomacy environment in the ROK. If confirmed, I would work to expand and strengthen the already very strong people-to-people ties, which are deep and form the basis of our alliance. These relationships have contributed to the strong mutual trust between our governments and our close economic ties. Both the Korean and American people strongly support the alliance, allowing us to promote a broad range of interests based upon or shared values of democracy, human rights, and the rule of law.

Question. What public diplomacy challenges do U.S. diplomats face there?

Answer. The public diplomacy environment in the ROK is vibrant and active. We are fortunate that U.S. diplomats do not face significant challenges operating in the ROK. Our people-to-people ties are strong and deep and form the basis of our alliance.

Question. How do you balance the importance of Main State versus the in-country mission when it comes to tailoring public diplomacy messages for foreign audiences?

Answer. If confirmed, I would work with the team at Mission Korea to understand and protect the Mission's crucial role in formulating public diplomacy programs and responses. The staff of Americans and Koreans based at the Embassy in Seoul and the Consulate in Busan bring an incredible range of expertise and local insight to the Mission. If confirmed, I would ensure that our public diplomacy professionals in Washington and Seoul continue to work closely together, and that we draw on local expertise to ensure our global public diplomacy messages are relevant and effective for our Korean audiences.

Question. "Anomalous health incidents," commonly referred to as "Havana Syndrome," have been debilitating and sidelining U.S. diplomats around the world for years. They have caused serious, negative consequences for U.S. diplomacy, yet many believe that the Department is not doing enough to care for, protect, and communicate to its personnel. If confirmed, do you commit to taking this threat seriously?

Answer. I am deeply concerned by potential anomalous health incidents affecting U.S. Government personnel and their family members. These incidents affect the wellbeing of U.S. personnel serving their country abroad and must be taken extremely seriously. In my current position as U.S. Ambassador to Colombia, and previously as Chargé d'Affaires in Havana, I have made the health and safety of my staff my top priority, including contributing to the extensive, ongoing interagency investigation into the cause of these incidents and how we can best protect our people. If confirmed, the health, safety, and security of Embassy Seoul staff, their family members, and all those supporting the Mission will be my highest priority.

Question. If confirmed, do you commit to talking as openly as you can to Mission Seoul personnel?

Answer. In my current position as U.S. Ambassador to Colombia, and previously as Chargé d'Affaires in Havana, I have made the health and safety of my staff my top priority. I believe strongly in direct and open dialogue on all these issues. If confirmed, I would also commit to ensuring all reported incidents at Embassy Seoul and Mission Korea are treated seriously and quickly reported through the appropriate medical and investigatory channels. I would ensure that any affected individuals receive prompt access to treatment and medical care. Moreover, that they receive our support and empathy. If confirmed, I would also commit to work closely with medical staff and the RSO at Embassy Seoul to discuss any past reported incidents, openly communicate with Mission personnel, and ensure that all protocols are being closely followed.

Human Rights, Democracy, and International Organizations

Question. In the State Department's 2021 Trafficking in Persons Report, South Korea was on Tier 1 for meeting the minimum stands for the elimination of human trafficking. However, South Korea needs to improve its tracking of victims as well as increase sentences for traffickers. If confirmed, how will you work with the Government to improve its tracking of victims as well as its lax sentencing for traffickers?

Answer. If confirmed, I would actively engage with the ROK Government, advocates, and the private sector to address the concrete recommendations laid out in the Department's Trafficking in Persons Report and to build a more effective anti-trafficking strategy rooted in equity.

Question. In the State Department's 2020 International Religious Freedom report, South Korea was identified to have challenges in regarding COVID–19 restrictions and religious freedom, in particular with the Government's engagement with the Shincheonji Church Members. If confirmed, how will you work to ensure that members of the Shincheonji church have their freedom of worship protected?

Answer. The Governments of the United States and the Republic of Korea share deeply rooted values including respect for human rights, such as freedom of religion or belief; respect for the rule of law; and a commitment to treat every person with dignity. We respect that the ROK, as a vibrant democracy with an independent and strong judiciary, has tools in place to pass laws and regulations that fairly protect its people.

The Department of State monitors reports of discrimination against members of religious groups worldwide. The United States continues to support free religious expression, including during the COVID–19 pandemic. If confirmed, I would continue to encourage religious groups and government authorities to work together to ensure respect both for religious freedom as well as for public health guidelines.

Question. In the State Department's 2020 Human Rights Report, South Korea was identified to have significant human rights issues including restrictions of freedom of expression and in particular the criminalizing of leaflets and other materials to North Korea. If confirmed, how will you work to ensure that freedom of speech is protected in particular to relation of activities related to sending leaflets and other materials to North Korea?

Answer. As a global policy, we advocate for respect for human rights and fundamental freedoms. The United States remains deeply concerned about the human rights situation in the DPRK and supports the free flow of information into, out of, and within the DPRK. It is critical for the North Korean people to have access to fact-based information that is not controlled by the DPRK Government.

If confirmed, I would continue to promote and support freedom of expression around the world, including together with valued allies like the Republic of Korea. I would also continue to work with partners in the NGO and North Korean escapee community to raise awareness, highlight abuses and violations, and promote respect for human rights in the DPRK and North Koreans' access to information. I would engage South Korean officials on the best legal and political practices for doing so.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. PHILIP S. GOLDBERG BY SENATOR EDWARD J. MARKEY

Question. President-elect Yoon campaigned on a platform criticizing the Moon Government for being insufficiently committed to North Korea's denuclearization, and has proposed a conditioned approach based upon North Korea's progress in denuclearizing. If confirmed, how would you plan to work with the new South Korean Government to make progress on diplomatic engagement with North Korea given this campaign platform?

Answer. The Biden administration has made clear that the DPRK's recent unlawful and destabilizing ballistic missile launches have consequences, that the international community will not accept these actions as "normal," and most importantly, that the only viable path forward for the DPRK is through diplomacy. Our goal remains the complete denuclearization of the Korean Peninsula. As we have emphasized in our public statements, we have no hostile intent toward the DPRK and remain open to meeting with them without preconditions. However, we also have a responsibility to address the DPRK's continued efforts to advance its unlawful WMD and ballistic missile programs, including by implementing existing UNSC resolutions. If confirmed, I would ensure we consult closely with President-elect Yoon's administration and ROK leadership, as well as other allies and partners, on how to best engage the DPRK. I would also work closely with our Special Representative for the DPRK, Ambassador Sung Kim, and our team in Washington.

Question. Despite this more hardline approach to North Korea, President-elect Yoon has supported offering humanitarian assistance without any linkages to talks over North Korea's nuclear or missile programs. Under what conditions would the Biden administration support a South Korean offer of large-scale humanitarian aid to North Korea?

Answer. Even while we condemn and take steps to address the DPRK's unlawful nuclear and ballistic missile programs, we continue to support international efforts to provide critical humanitarian aid to the DPRK and encourage the DPRK to open its borders to both assistance and aid workers. The DPRK Government bears responsibility for the humanitarian crisis affecting the North Korean people, as it has continued to exploit its own citizens and use its limited resources to finance unlawful WMD and ballistic missile programs rather than invest in economic development. If confirmed, I would work closely with President-elect Yoon and his administration to ensure we are closely aligned in our efforts to bring the DPRK to the negotiating table and provide much needed humanitarian assistance to vulnerable North Korean people.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. PHILIP S. GOLDBERG BY SENATOR TODD YOUNG

Question. South Korea is a critical node in the global high tech supply chain, particularly for advanced semiconductor chips. As Congress works on supply chain diversification and boosting U.S. semiconductor manufacturing, how do you view the role of South Korea in securing emerging tech supply chains?

Answer. The Republic of Korea (ROK) is an increasingly important partner on global economic security issues, including supply chain security. The United States and the ROK are working together to diversify and secure our supply chains in a number of priority sectors, including semiconductors, high-capacity batteries, pharmaceuticals, and critical minerals. Our recent experience with the pandemic and semiconductor shortages has shown that strong and resilient supply chains are critical to our economic security. Our two countries have held several rounds of supply chain consultations, including through the U.S.-ROK Senior Economic Dialogue and the Department of Commerce-led Semiconductor Partnership Dialogue. We work closely with our Korean counterparts to ensure we maintain our competitive edge in critical technologies. If confirmed, I would push to continue deepening U.S.-ROK supply chain cooperation, particularly on semiconductors and critical and emerging technologies.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO MARC B. NATHANSON BY SENATOR ROBERT MENENDEZ

Defense Policy

Question. Norway's Arctic Policy has expressed concern over Russia's military modernization and increased activity in the north, including Russia's new generation of strategic submarines.

- As NATO's eyes in the north, and as a country sharing a 120 mile long border with Russia, is there more that the United States should be doing to show support for Norway and keep northern sea routes open?

Answer. The United States and Norway have decades of close security partnership and a shared commitment as NATO Allies to Transatlantic security. NATO must address growing security challenges in the European Arctic, where Allies have committed to bolstering NATO's deterrence and defense. Allies exercise regularly in the Arctic with predictability and transparency and will continue to do so. The U.S.-Norway Supplementary Defense Cooperation Agreement, signed in April 2021, once ratified, will allow the United States and Norway to deepen bilateral security cooperation.

Arctic Sea Routes

Question. How do you assess the impact that melting ice is having on development of the Northeast Passage? How should the U.S. and Norway be working to mitigate risks posed by possible increased transport activity by the Russians and Chinese?

Answer. In the Arctic, climate change has increased the geopolitical importance of the region and prompted increased activity, including Russian efforts to significantly rebuild its military presence in the Arctic. The United States has objected to Russia's unlawful attempts to regulate the Northern Sea Route. Strategic rivals have also raised their level of activity, research, and investment in the region. The United States will continue to seek an Arctic region that remains peaceful, stable, open, and cooperative. If confirmed, I will work with Norwegian counterparts to ensure U.S. and Norwegian policies toward the Arctic remain closely coordinated.

European Energy Security

Question. Norwegian oil and gas fields are currently pumping at 100 percent capacity. However, Norwegian companies have pledged to export more gas to Europe this summer.

- What role do you think Norway can play in helping to wean Europe off of Russian fossil fuels?

Answer. Norway is a responsible and reliable energy producer, supplying almost one quarter of Europe's total natural gas demand. Norway increased natural gas production for the winter season in late 2021 and extended the elevated production levels through summer 2022. The Norwegian Government also seeks to support Europe's energy transition, including by providing carbon capture and storage, offshore

wind, and hydrogen solutions. If confirmed, I will work with Norwegian officials and industry to strengthen European energy security further.

Anomalous Health Incidents

Question. I am very concerned about directed energy attacks on U.S. Government personnel (so-called Anomalous Health Incidents). Ensuring the safety and security of our personnel abroad falls largely on individual Chiefs of Mission and the response of officers at post. It is imperative that any individual who reports a suspected incident be responded to promptly, equitably, and compassionately.

- Do you agree these incidents must be taken seriously, and pose a threat to the health of U.S. personnel?

Answer. Yes. If confirmed, the health and security of the people working at Mission Norway will be my top priority. Secretary Blinken prioritizes the Department's response to anomalous health incidents, setting clear goals for the Health Incident Response Task Force to strengthen the Department's communication with its workforce and providing care for affected employees and family members.

Question. If confirmed, do you commit to ensuring that any reported incident is treated seriously and reported quickly through the appropriate channels, and that any affected individuals receive prompt access to medical care?

Answer. Yes. If confirmed, I will do everything possible to ensure employees who report a possible anomalous health incident receive immediate and appropriate attention and care and the incident is reported through appropriate channels.

Question. Do you commit to meeting with medical staff and the RSO at post to discuss any past reported incidents and ensure that all protocols are being followed?

Answer. Yes. If confirmed, I will take nothing more seriously than the health and security of the people who work with me. I commit to working with health and security officials as well as other parties as recommended.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO MARC B. NATHANSON BY SENATOR JAMES E. RISCH

NATO

Question. Norway is a founding member of NATO and serves an important role in the alliance as a hub for NATO equipment and resources. As NATO looks to the future with the drafting of the new Strategic Concept and possible expansion of the alliance, we need to consider where Norway's specific assets and capabilities can be best developed and utilized.

- Norway has announced a temporary increase in its defense spending for this year in response to increased aggression from Russia. How will you work with Norway to ensure their defense spending is used to maximum effect and remains compatible with NATO objectives?

Answer. Norway is a staunch and actively-engaged NATO Ally. Norwegian leaders have committed to spending two percent of GDP on defense to fulfill Norway's Wales Pledge commitments by 2024 and will continue spending at least 20 percent of defense spending on modernizing major equipment, in line with their NATO Capability Targets. Norway and the United States enjoy a close and effective security relationship. I am pleased that Norway operates both P-8A maritime patrol aircraft, which they received in February 2022, and the F-35 platform. If confirmed, I will encourage Norway to continue investing in the capabilities, readiness, and force generation needed to maintain a credible defense and deterrence posture and fulfill NATO missions and operations.

Nuclear

Question. Nuclear disarmament and observation of the Treaty on the Prohibition of Nuclear Weapons are policy priorities for Norway, making them the first NATO nation to move toward denuclearization.

- Do you believe that a policy of nuclear disarmament in a NATO nation threatens the security of the alliance?

Answer. Norway has clearly stated that it will not sign the Treaty on the Prohibition of Nuclear Weapons, as it is inconsistent with Norway's NATO obligations. As a member of the NATO Alliance, Norway is committed to ensuring that NATO's nuclear deterrent aligns with the realities of the current security environment and re-

mains safe, secure, and effective. Norway supports the global nonproliferation regime through participation in a variety of multilateral organizations.

Question. How will you discuss the issue of nuclear weapons with the Norwegian Government?

Answer. Norway has a longstanding policy prohibiting nuclear weapons on Norwegian soil. Norwegian leaders have also continually reaffirmed NATO's status as a nuclear Alliance. Norway and the United States share a goal of promoting tangible, verifiable measures to reduce strategic risk and create an environment for nuclear disarmament, which I will continue to promote if confirmed.

Arctic

Question. As a member of the Arctic Council, Norway has specific interests in the future of Arctic issues including security, the environment, trade, and resource extraction.

- Given the Department has an Arctic Coordinator, but not an Arctic Ambassador, what role do you see yourself playing in U.S.-Norway relations regarding the Arctic?

Answer. The Arctic is a strategic priority for Norway and the United States. Norway will assume the chair of the Arctic Council in May 2023. If confirmed, the Arctic will be one of my highest priorities and I plan to visit the region early in my tenure. I will work with Norwegian and State Department counterparts to ensure U.S. and Norwegian policies toward the Arctic remain closely coordinated.

Energy

Question. Europe is facing energy shortages as countries attempt to curtail imports from Russia. Norway is a major producer and supplier of oil and natural gas to Europe.

- How will you work with Norway to increase its energy capacity and support a solution Europe's energy shortage, in both the short term and the long term?

Answer. Norway is a responsible and reliable producer, supplying almost one quarter of Europe's total natural gas demand. Companies operating on the Norwegian Continental Shelf, with the Government's approval, increased gas production for the winter season in late 2021 and extended the elevated production levels through summer 2022. In the longer term, the Norwegian Government also seeks to support Europe's energy transition, including by providing carbon capture and storage, offshore wind, and hydrogen solutions. If confirmed, I will work with Norwegian officials and industry to strengthen European energy security and reduce dependence on Russian gas, as well as to facilitate the green transition.

Revised Reponse (received April 26, 2022.) Norway is a responsible and reliable energy producer, supplying almost one quarter of Europe's total natural gas demand. Companies operating on the Norwegian Continental Shelf, with the Government's approval, increased gas production for the winter season in late 2021 and have extended the elevated production levels through summer 2022. Norway's LNG terminal will resume operations in May and a gas pipeline to Poland will be operational later in 2022. For the medium term, Norway announced plans in March to offer new licenses for oil and gas exploration. Over the longer term, Norway is developing technology that could help Europe diversify its energy portfolio and reduce reliance on Russian gas, including through offshore wind and hydrogen. If confirmed, I will work with Norwegian officials and industry to strengthen European energy security and reduce dependence on Russian oil and gas.

China

Question. The expansion of malign Chinese influence is a challenge we will have to confront in the short and long term, alongside other global challenges that arise.

- As Ambassador, how would you work with Norway's Government to confront malign Chinese influence in its Government, economy, and other institutions at the international, national and subnational level?

Answer. Norway and the United States share democratic values. We cooperate through numerous forums to uphold our shared interests and values and hold governments accountable. Norwegian officials have spoken publicly concerning human rights abuses in the People's Republic of China (PRC), including in Xinjiang, Hong Kong, and Tibet. Norway is also a firm supporter of the rules-based international trading system. If confirmed, I look forward to working with Norwegian officials, including those working in U.N. institutions, the business community, and civil society on this important issue. I will also work to increase U.S. trade with Norway to

counterbalance the PRC's desire for greater influence in the region. I will apprise Norwegian counterparts of risks associated with investments in critical infrastructure and sensitive sectors by untrusted vendors, including those associated with the PRC, and on the importance of supply chain due diligence by companies. The United States works with Norway and other allies and partners to monitor PRC activities in the Arctic. If confirmed, I will seek opportunities to strengthen our cooperation with Norway and engage with the Norwegian Government and regional leaders to ensure they remain clear-eyed with regards to PRC influence.

State Department Management and Public Diplomacy

Question. Many U.S. missions have been under enormous stress over the last few years, in large part due to COVID.

- What is your understanding of morale throughout Mission Oslo?

Answer. Mission Norway faced challenges posed by COVID–19 and travel restrictions during much of the pandemic. I am grateful for the employees' continued service during this challenging time. If confirmed, I have no higher priority than the health and safety of the personnel and family members of Mission Norway. I look forward to working with the talented team of locally employed staff, U.S. Direct Hires, and their families. I will ensure everyone in the mission understands they have my support.

Question. How do you intend to improve morale at Mission Oslo?

Answer. If confirmed, I will ensure everyone on my team is treated professionally, their rights are respected, they are safe and secure, and they have the resources necessary to perform their jobs. I plan to meet with as many individuals in the mission as possible in my first 90 days to listen and learn from them on how to improve morale at Embassy Oslo. We are all one team working to further the U.S.-Norwegian relationship and the interests of the United States and the American people.

Question. How do you intend to create a unified mission and vision at Mission Oslo?

Answer. If confirmed, I look forward to ensuring open communication across U.S. Embassy Oslo. We are all one team working to further the U.S.-Norwegian relationship and the interests of the United States and the American people. The Embassy is committed to a diverse and inclusive workforce that fully represents and supports many different cultures, backgrounds, and perspectives to provide a productive workplace for all people from all walks of life. If confirmed, I will work with the team to maximize innovation and effectiveness.

Management is a Key Responsibility for Chiefs of Mission

Question. How would you describe your management style?

Answer. Our employees are our most important asset. If confirmed, I am committed to listening to all employees, including locally employed staff, U.S. Direct Hires, and family members. I always seek to create space for open dialogue and diversity of thought. I am committed to professional development and believe in setting high standards. I will foster an environment of respect as Mission Norway carries out important work on behalf of the American people.

Question. Do you believe it is ever acceptable or constructive to berate subordinates, either in public or private?

Answer. No. It is never acceptable to berate or yell at employees in public or in private. If confirmed, I will treat all members of Mission Norway professionally and with respect.

Question. How do you envision your leadership relationship with your Deputy Chief of Mission?

Answer. If confirmed, I will work to foster a close and productive relationship with the Deputy Chief of Mission (DCM). Together, we will advance U.S. priorities in Norway, including protecting the safety and security of Americans, advancing shared security and global norms, and increase energy, environment, and investment cooperation with a focus on the green transition. We will also work together to help employees grow and advance.

Question. If confirmed, what leadership responsibilities do you intend to entrust to your Deputy Chief of Mission?

Answer. If confirmed, I will consult closely with the Deputy Chief of Mission on the full range of issues at Mission Norway and I will value her institutional knowledge and perspective. If confirmed, I will entrust the DCM with responsibility for

the day-to-day operations of the Mission, and the DCM should keep abreast of policy issues to be able to serve as Chargé d'Affaires in my absence.

Question. In order to create and continue employee excellence at the Department, accurate and direct employee evaluation reports (EERs) for Foreign Service Officers are imperative, though often lacking.

- Do you believe that it is important to provide employees with accurate, constructive feedback on their performances in order to encourage improvement and reward those who most succeeded in their roles?

Answer. Yes, I believe it is important to provide employees with timely, accurate, and constructive feedback on their performance not only during annual evaluations but throughout the year.

Question. If confirmed, would you support and encourage clear, accurate, and direct feedback to employees in order to improve performance and reward high achievers?

Answer. Yes, if confirmed, I would support and encourage clear, accurate, and direct feedback. I believe clear and open communication fosters professional growth.

Question. It is imperative that U.S. diplomats get outside of posts abroad to meet with local actors, including host government officials, non-government organizations, and fellow foreign diplomats stationed in the Kingdom of Norway.

- In your opinion, do U.S. diplomats get outside of our Embassy walls enough to accomplish fully their missions?

Answer. From what I have seen of Department and Embassy operations overseas, U.S. diplomats have done a remarkable job getting outside our Embassy walls to advance U.S. objectives by meeting local actors in diverse settings and environments. The COVID–19 pandemic has been a challenge for U.S. diplomats to travel and engage face-to-face with host country nationals, but as conditions improve and Norway has relaxed pandemic restrictions, I understand that our diplomats in Oslo have resumed in-person engagements and programs. I firmly believe it is imperative that U.S. diplomats get outside the Embassy to meet with local citizens, including host government officials and non-governmental organizations. If confirmed, I plan to personally visit all regions of Norway.

Question. How do you intend to improve the ability of U.S. diplomats to better access all local populations?

Answer. If confirmed, I will make it a priority to engage audiences throughout Norway to exchange ideas and hear their views and to promote our shared goals. I will also support the strong academic, cultural, and professional exchanges the United States has with the people of Norway, especially youth. If confirmed, I will work with my Embassy team to continue leveraging relationships with the media, cultural and educational exchange organizations, and individuals to expand the people-to-people bonds that are the foundation of our strong bilateral relationship.

Question. Public diplomacy is an important aspect of U.S. foreign policy efforts

- What is the public diplomacy environment like in the Kingdom of Norway?

Answer. The deep cultural, familial, and economic connections between the United States and Norway have enabled Embassy Oslo to leverage public diplomacy tools to promote U.S. policy goals. The public diplomacy environment in Norway is generally very welcoming, and Norway benefits from strong interest in U.S. culture and direct news exposure.

Question. What public diplomacy challenges do U.S. diplomats face there?

Answer. The COVID–19 pandemic made traveling and face-to-face engagement with Norwegians difficult, but today our diplomats in Oslo are again able to have in-person engagements. Public opinion of the United States is largely tied to perceptions of the current U.S. administration and can vacillate significantly depending on views of the president in power. While older Norwegians feel close direct ties to the United States, due to familial ties and gratitude for the role the United States played in liberating Europe during WWII, polling has shown Norwegian youth to be more skeptical of the United States. In particular, young Norwegians question if the United States shares their commitment to social justice issues and the environment. To keep our alliance strong for the generations to come, we must ensure all Norwegians see the United States as their partner in building the better world they want to see. If confirmed, I will work with my Embassy team to leverage relationships with the media, cultural and exchange organizations, and individuals to expand the people-to-people bonds that are the foundation of our strong bilateral relationship.

Question. How do you balance the importance of Main State versus the in-country mission when it comes to tailoring public diplomacy messages for foreign audiences?

Answer. We are all one team working to advance the bilateral relationship and the interests of the United States and the American people. If confirmed, I will leverage public diplomacy to enhance security cooperation, strengthen collaboration on Arctic and climate issues, expand economic and trade relations, and deepen people-to-people ties. I will work to counter adverse influence and mis- and disinformation with the variety of engagements at our disposal, including speaking with traditional media, communication via social media, through outreach and personal interactions, and through a variety of public diplomacy programming. This is a field I have been actively engaged in for over thirty years. If confirmed, I will work with the public diplomacy team at Embassy Oslo to continue a robust public diplomacy strategy and tailor messaging in a way that is most appropriate for the Norwegian public.

"Anomalous health incidents," commonly referred to as "Havana Syndrome," have been debilitating and sidelining U.S. diplomats around the world for years. They have caused serious, negative consequences for U.S. diplomacy, yet many believe that the Department is not doing enough to care for, protect, and communicate to its personnel.

Question. If confirmed, do you commit to taking this threat seriously?

Answer. Yes. I am deeply troubled by potential anomalous health incidents that have affected U.S. Government personnel and their family members. Serving one's country overseas should not come at the cost of one's health. I agree that such incidents may pose a threat to the wellbeing of U.S. personnel and must be taken extremely seriously. If confirmed, the health, safety, and security of Embassy Oslo staff, their family members, and all those supporting the Mission will be my highest priority

Question. If confirmed, do you commit to talking as openly as you can to Mission Oslo personnel?

Answer. Yes. If confirmed, I commit to maintaining open communication and ensuring that all reported potential anomalous health incidents are given serious attention and reported swiftly through the appropriate channels.

Human Rights, Democracy, and International Organizations

Question. In the State Department's 2021 Trafficking in Persons Report, Norway was identified as tier 2 for continued failure to convict more traffickers, utilize appropriate national referral mechanism, and continued lack of anti-trafficking efforts writ large within the Government's demonstrated capacity. How will you work with Norway to address these issues if you are confirmed as Ambassador?

- If confirmed, please describe how you will bolster these efforts in conjunction with the Ambassador-at-Large?

Answer. Norway was downgraded to Tier 2 in the State Department's 2021 Trafficking in Persons Report. The report found that the Government does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. If confirmed, I will engage with U.S. and Norwegian authorities and encourage the Norwegian Government to make progress in combating trafficking in persons and address the recommendations in the Trafficking in Persons Report.

Question. In your opinion, what do you believe is the biggest obstacle to improving Norway's anti-trafficking response?

Answer. According to the State Department's Trafficking in Persons Report, the biggest obstacles are prosecutions and convictions and unreliable victim identification and assistance data. During the reporting period in question, the Government did not report any trafficking prosecutions, reported only one convicted trafficker, and continued to charge traffickers with non-trafficking crimes. For the fourth consecutive year, the Government did not report an official number of identified and assisted victims. The U.S. Government continues to work with the Norwegian Government to address these concerns. If confirmed, I will work with the Ambassador-at-Large to engage with Norwegian authorities and encourage the Government to make progress in combating trafficking in persons and address the recommendations in the Trafficking in Persons Report.

Question. In the State Department's 2020 International Religious Freedom report, Norway experienced a small decline in religiously-motivated hate crimes after a period of increase. The U.S. Embassy noted its routine efforts to promote inter-faith

dialogue and value in interacting with different members of religious communities. What is your assessment of this particular issue and if confirmed, how will you work with the Ambassador-at-Large to bolster religious freedom in-country?

Answer. Norwegian law prohibits religious discrimination and protects the right to choose, practice, or change one's faith or life stance. If confirmed, I will support efforts to promote inter-faith dialogue and I will meet with members of different religious communities in Norway. I will also advocate for religious freedom for members of all religious groups and work with the Ambassador-at-Large, the Norwegian Government, and NGO partners to promote religious freedom.

Question. In the State Department's 2020 Human Rights Report, Norway was described as having no significant human rights abuses. However, there is always room for improvement.

- How will you direct your Embassy to work with civil society organizations?

Answer. If confirmed, I will work with civil society to advanced shared values, including respect for human rights. Norway is a strong advocate for addressing global issues in multilateral fora, including on the U.N. Security Council. I will work to leverage our strong relationship and shared values and utilize public diplomacy tools to promote the international rules-based order and bolster human rights. Norway and the United States have worked together around the world to foster respect for human rights. If confirmed, I will continue to promote these joint relationships.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO MARC B. NATHANSON BY SENATOR EDWARD J. MARKEY

Question. The United States and Norway have long shared a thriving relationship based on common goals and values. One of those goals is the dire need to combat climate change, a goal which the United States and Norway partner on achieving through the expansion of the use of clean energy technology and through the expansion of the use of renewable technology. Most recently, Norwegian officials have expressed increasing concern regarding the negative effects of climate change, especially in the Arctic.

- Where do opportunities exist for greater cooperation for the United States and Norway to work together when it comes to combatting climate change?

Answer. The United States and Norway can work together both bilaterally, such as in increasing offshore wind production and cooperating on carbon capture research, and globally through aligning priorities to support other countries in the green transition. Norway is a leader in combatting the climate crisis globally and devotes significant resources to domestic green technology and assistance to developing nations' climate mitigation and adaptation efforts. In November, Norway committed to doubling its climate financing and joined the Global Methane Pledge. Norway also co-chairs the High Level Panel for a Sustainable Ocean Economy to ensure sustainable ocean management. The United States joined the Panel in 2021. If confirmed, I will prioritize combatting the climate crisis and will work closely with Norwegian counterparts to advance shared goals.

Question. Norway has a small but growing wind energy profile. Is there a way to work together to develop cutting edge off shore wind turbines and technologies?

Answer. Yes. Norwegian companies have invested in offshore wind projects in the eastern United States and are interested in west coast opportunities as well. These partnerships can help bring Norwegian technology and experience to support U.S. targets for renewable wind power production. This collaboration will contribute to climate objectives while creating jobs.

Question. Are there other opportunities for greater cooperation on climate, particularly in the Arctic?

Answer. Yes. The United States and Norway work closely on climate issues and have opportunities to deepen cooperation, including working together to achieve zero-emission transportation at sea and aligning climate financing objectives. Our scientists collaborate on research relating to climate change and sustainability challenges in the Arctic, including for decades through the Arctic Council's working groups. Furthermore, Norway is investing in renewable energy and technologies to lower emissions, including carbon capture and storage, hydrogen, and offshore wind, which are all opportunities for collaboration. If confirmed, I will work closely with

Norwegian counterparts to combat the climate crisis with particular attention to the Arctic.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO MARYKAY LOSS CARLSON BY SENATOR ROBERT MENENDEZ

Question. Where do you think the biggest opportunities are to deepen our alliance?

Answer. The ironclad partnership between the Philippines and the United States has, throughout our long, shared history, contributed to peace, stability, and prosperity in the Indo-Pacific region. As we mark more than 75 years of diplomatic relations, I would, if confirmed, continue to deepen the roots of our longstanding friendship and people-to-people ties, position our alliance to face new challenges, expand U.S. trade and investment, promote respect for human rights, and support multiparty democracy, the rule of law, and good governance.

Question. With a change in presidential administrations in Manila in the next several months, what opportunities exist for the United States to engage with Manila more effectively to assure that these issues are addressed and that our alliance can be said to be one animated as much by shared values as shared interests?

Answer. If confirmed, I look forward to working with the new democratically elected Government in the Philippines. I would closely engage with top Philippine leadership to ensure utmost coordination in matters of mutual concern.

Our alliance is irreplaceable and foundational to our strategic interests in the Indo-Pacific. If confirmed, I would work to ensure our security cooperation continues to help the Philippine military and law enforcement bodies combat terrorism, transnational crime, and violent extremism. I would continue U.S. efforts to urge the Philippine Government to conduct all law enforcement operations in accordance with the rule of law and consistent with its international human rights obligations, and I would urge the Government to conduct thorough, transparent investigations into all suspected unlawful killings, and to hold accountable those who are responsible. I would also work to strengthen the Administration of justice and support Philippine human rights defenders and civil society, and encourage respect for freedom of expression, including for members of the press.

Among the values our two democracies share is the respect for international law, which underpins freedoms of navigation and overflight, unimpeded lawful commerce, and the peaceful resolution of disputes in the South China Sea and around the world. If confirmed, I would continue our efforts to bolster Philippine capabilities that enhance maritime domain awareness and enable it to counter coercive activity in its Exclusive Economic Zone and other areas.

Finally, I would support reforms that enhance transparency, assure labor rights protections, boost beneficial trade and investment between our two countries, and increase cooperation to ensure resilient supply chains. I would promote an economic partnership that engages the U.S. and Philippine private sectors to invest in climate action and support low-carbon energy security.

Question. How do you think the United States and the Philippines can work together to press back on China's unlawful and destabilizing actions, ranging from illegal and unlawful fishing and the destruction of fragile marine ecosystems up to the potential that China might seek to seizing Filipino territory?

Answer. The Philippines is one of the states most affected by the PRC's expansive maritime claims in the South China Sea. PRC activities in the South China Sea are inconsistent with international law, threatening Philippine livelihoods, food security, biodiversity, and energy security. Both the United States and the Philippines have a clear national interest in preserving unimpeded lawful commerce, respect for international law, including freedoms of navigation and overflight, and other lawful uses of the sea, and the peaceful resolution of disputes in the South China Sea.

If confirmed, I would continue to push whole-of-government U.S. efforts to bolster Philippine capacity for maritime domain awareness in the South China Sea, including through improving the capacity of the Philippine Coast Guard. I would also encourage regular communication and coordination with the Philippines to address PRC provocations in the South China Sea. If confirmed, I would support joint maritime or naval operations anywhere in the Pacific, the South China Sea included, to fully demonstrate the range of our friendship and alliance with the Government of the Philippines, including our commitments under the 1951 Mutual Defense Treaty, and to demonstrate the range of our mutual defense capabilities.

Question. I am very concerned about directed energy attacks on U.S. Government personnel (so-called Anomalous Health Incidents). Ensuring the safety and security of our personnel abroad falls largely on individual Chiefs of Mission and the response of officers at post. It is imperative that any individual who reports a suspected incident be responded to promptly, equitably, and compassionately. Do you agree these incidents must be taken seriously, and pose a threat to the health of U.S. personnel?

Answer. I share your concern and am deeply troubled by potential anomalous health incidents that have affected U.S. Government personnel and their family members. Our embassies overseas are more than places of work; they are communities of people. I would have no higher priority, if confirmed as ambassador, than the health, safety, and security of our people overseas. Serving one's country should not come at the cost of one's health. I firmly agree that we must take these and other threats to health and safety seriously. I would be honored to take on this responsibility.

Question. If confirmed, do you commit to ensuring that any reported incident is treated seriously and reported quickly through the appropriate channels, and that any affected individuals receive prompt access to medical care?

Answer. I wholeheartedly commit to ensuring that that all reported health-related incidents are given serious attention and reported swiftly through the appropriate channels. If confirmed, I will also ensure that staff who are affected by these incidents receive prompt access to the treatment, support, and medical care that they need.

Question. Do you commit to meeting with medical staff and the RSO at post to discuss any past reported incidents and ensure that all protocols are being followed?

Answer. If confirmed, I commit to meeting with medical staff and the RSO at Embassy Manila to discuss any reported anomalous health incidents. I would work closely with medical and other professionals to protect the safety of U.S. Embassy Manila staff and ensure that all protocols regarding anomalous health incidents are followed appropriately.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO MARYKAY LOSS CARLSON BY SENATOR JAMES E. RISCH

Question. What is the strategic importance of the Philippines to the United States?

Answer. The Philippines is one of our most strategically important allies in the Indo-Pacific. Our alliance with the Philippines is irreplaceable and foundational to our security and other interests in the region, contributing to peace, stability, and prosperity in the Asia-Pacific region for more than seven decades. The Mutual Defense Treaty and other bilateral defense agreements we have with the Philippines enable critical U.S. military support, presence, and interoperability in the Philippines and in the region. Both the United States and the Philippines have a clear national interest in preserving unimpeded lawful commerce, respect for international law—including freedoms of navigation and overflight—and other lawful uses of the sea, and the peaceful resolution of disputes in the South China Sea. Through the U.S.-Philippine alliance, our two countries work together to safeguard a resilient, prosperous, and secure Indo-Pacific.

Question. How have the United States and the Philippines benefitted from cooperation between the U.S. military and the Armed Forces of the Philippines?

Answer. The long-standing, ironclad alliance between the Philippines and the United States has contributed to peace, stability, and prosperity in the Asia-Pacific region for more than seven decades. Cooperation between the U.S. military and the Armed Forces of the Philippines plays a key role in our bilateral ties. U.S. reliability as an ally has been established over decades under the Mutual Defense Treaty, which was signed in 1951. That treaty and Visiting Forces Agreement and the Enhanced Defense Cooperation Agreement provide the foundation for the continuing strong defense relationship that enables critical U.S. military support, presence, and interoperability. Together, these agreements facilitate the rotational presence of U.S. forces in the Philippines, expand opportunities for bilateral training, support the long-term modernization of the Armed Forces of the Philippines, and augment the United States' ability to provide rapid assistance in the Philippines in cases of natural disasters. Our long-standing defense and security cooperation with the

Armed Forces of the Philippines also supports our bilateral and multilateral efforts to uphold the rules-based order in the South China Sea that protects the rights, freedoms, and lawful uses of the sea guaranteed to all nations.

Question. Do you think membership in the TPNW is compatible with being a U.S. security ally, given the role of extended deterrence in U.S. security policy in the Indo-Pacific?

Answer. I understand concerns that the Treaty on the Prohibition of Nuclear Weapons (TPNW) may reinforce divisions that hinder the international community's ability to work together to address pressing proliferation and security challenges. The Treaty is incompatible with a reliance by allies and partners on U.S. extended deterrence in that it risks negatively affecting nuclear deterrence, extended nuclear deterrence, and our security relationships. It remains to be seen how TPNW states parties will interpret and implement many of the treaty's provisions and how this might impact their security relationships with nuclear weapon states.

Question. What message will you deliver to the Philippine Government on the TPNW?

Answer. The United States has stated that the Treaty on the Prohibition of Nuclear Weapons (TPNW) risks negatively affecting nuclear deterrence, extended nuclear deterrence, and our security relationships. We have noted our concerns to those allies and partners who have expressed an interest in the TPNW, including its state parties.

Question. When it comes to the Philippines, what are your greatest concerns about China?

Answer. The Philippines shares our concerns about provocative and unlawful behavior by the PRC in the region. Yet, like the United States, the Philippines also has economic ties to China and a strong interest in maintaining constructive engagement, where possible. It is not U.S. policy to disrupt lawful international trade, nor are we asking the Philippines, or any other country, to choose sides between the United States and PRC. As friends, partners, and allies we can work together to engage Beijing from a position of strength.

The PRC's increased maritime assertiveness in the South China Sea presents a major challenge for the region and for U.S. policy in Southeast Asia. PRC provocations in the South China Sea threaten Philippine livelihoods, food security, biodiversity, and energy security. The United States and the Philippines share a mutual interest in maintaining peace and stability, unimpeded lawful commerce, and respect for international law, including freedoms of navigation and overflight and other lawful uses of the sea in the South China Sea.

Question. If confirmed, what would you do to ensure that the United States advances a robust trade and economic agenda with the Philippines and in the broader Indo-Pacific region?

Answer. economic agenda and build on those successes. The United States is among the Philippines' top three trading partners, and the Philippines is the United States' 31st largest goods trading partner—with $23.3 billion in total (two-way) goods trade during 2021—up nearly 25 percent from 2020. This strong bilateral economic relationship coupled with the Philippines' indispensable role as one of our most important allies and partners in the Indo-Pacific provides the foundation for us to deepen our trade and investment ties. If confirmed, I would work closely with my colleagues in USTR and other relevant agencies to promote the Administration's trade policy agenda, which benefits American workers and enhances U.S. competitiveness in our economic relationship with the Philippines, as well as throughout the Indo-Pacific.

Question. I have heard consistent feedback from Indo-Pacific allies and partners that the Indo-Pacific Economic Framework (IPEF) leaves a lot to be desired—especially since there is no market access component. What is your understanding of what IPEF seeks to achieve?

Answer. As President Biden announced at the East Asia Summit, the United States is developing the Indo-Pacific Economic Framework (IPEF) to deepen economic relations in the region and coordinate approaches to addressing global economic challenges. If confirmed, I will work closely with USTR, the Department of Commerce, and other agencies in the context of the framework to promote trade; secure supply chains; strengthen the digital economy; expand cooperation on infrastructure, clean energy, and decarbonization; and seek tax and anticorruption reforms.

Question. Without market access, what incentive do our partners have to cooperate through IPEF?

Answer. I understand the Administration continues to engage with Indo-Pacific partners as it develops the Indo-Pacific Economic Framework; however, I do not have specific information to share regarding the framework's components. If confirmed, I will work closely with USTR, the Department of Commerce, and other agencies to advance the framework and deepen our bilateral trade and investment ties with the Philippines.

Question. The Philippines has a growing natural gas market and demand for natural gas to satisfy its energy needs. The Philippines is looking to engage with the U.S. on this issue, but so far the Administration has not shown openness to such engagement. Do you commit to advocating for engagement with the Philippines on natural gas issues?

Answer. If confirmed, I will lead our team to engage fully with the Philippines to support their efforts to secure necessary resources to meet today's energy needs, while helping them plan to reduce reliance on fossil fuels into the future, to increase energy security, and support efforts to combat the climate crisis. I understand the Philippines faces a looming energy crisis as its major gas field—Malampaya—could be depleted by 2027. The Philippines is considering a wide range of options to address this issue and is working with the United States to promote the market conditions and attract finance to support the Philippines in its energy transition and decarbonizing key industries. If confirmed, I would continue to deepen and strengthen our engagements with the Government of the Philippines on energy security, which is in the national interest of both our countries.

Question. Do you commit to ensuring the Biden administration's focus on climate does not ignore the Philippines' legitimate energy goals and needs, especially in the near-term?

Answer. If confirmed, I would commit to ensuring that our engagements with the Philippines on energy issues supports near-term energy needs given the current energy system, while investing in the transformation necessary to achieve long-term energy security and climate goals, which are consistent with one another.

Question. If confirmed, what would you seek to accomplish in your first 100 days as U.S. Ambassador?

Answer. If confirmed, I would seek to implement a 100-day plan that focuses on the mutual benefits that accrue to our countries as friends, partners, and allies. I would look to deepen the roots of the longstanding friendship and people-to-people ties between the United States and the Philippines through appropriate press engagements, encounters with alumni of U.S. Government programs, meetings with civil society groups, and outreach on social media. To foster stronger alliance ties, I would look to focus initial engagements on ways to upgrade and modernize our alliance to meet regional and global challenges. To promote our partnership, I would engage with a wide array of stakeholders to expand U.S. trade and investment and bolster economic development. Underpinning all of these efforts would be strong support for the values we share as democracies—the promotion of human rights, freedoms of speech and press, and support the rule of law and good governance.

If confirmed, I would rely on our talented Embassy team to guide me. I would seek their views to help craft the specifics of an action plan for my first 100 days as U.S. Ambassador to the Philippines that supports my goals of deepening the alliance. With elections in May and a change in administration closely thereafter, another of my goals within my first 100 days would be to engage with the new administration to better promote policies that enhance the U.S.-Philippines alliance for the benefit of both our countries.

Question. If confirmed, what would you seek to engage with the new Philippines administration on after their presidential elections in June?

Answer. If confirmed, I would seek to engage with the new Philippines administration after the elections to deliver our commitment to the enduring U.S.-Philippines Alliance and to ensure utmost coordination in matters of mutual concern. I would seek to engage the new administration on the pillars of our expansive and enduring bilateral partnership, including on our robust security and defense cooperation, our strong economic ties, and our enduring people-to-people connections. I would not shy away from difficult discussions on areas where we may disagree and would continue to press the Philippine Government to uphold human rights and democratic freedoms. I would seek to work with the new administration to deepen our partnership to allow us to cooperate even closer in support of the rules-based economic and security order in the Indo-Pacific.

Question. The Philippines is at the front lines of Chinese military aggression and coercion in the South China Sea. Besides freedom of navigation operations, what else can the U.S. do to support our partners such as the Philippines in the South China Sea?

Answer. Both the United States and the Philippines have a clear national interest in preserving unimpeded lawful commerce, respect for international law, including freedoms of navigation and overflight, and other lawful uses of the sea, and the peaceful resolution of disputes in the South China Sea. If confirmed, I would continue to push whole-of-Government U.S. efforts to bolster Philippine capacity for maritime domain awareness in the South China Sea, including through improving the capacity of the Philippine Coast Guard. In addition to our law enforcement capacity building with the Coast Guard, we work with our Philippine alliance partners to counter illegal, unreported, and unregulated fishing, and enhance national efforts to protect critical marine resources that provide employment and food security for millions of Filipinos. If confirmed, I would seek to expand these efforts and encourage the Philippines to partner with its ASEAN neighbors to collaboratively address shared challenges in the South China Sea. Additionally, I would encourage our teams to work with Philippine partners to broaden cooperation on marine scientific research and energy exploration to take full advantage of our bilateral Science & Technology agreement. I would also encourage regular communication and coordination with the Philippines to address PRC provocations in the South China Sea. If confirmed, I would support joint maritime or naval operations anywhere in the Pacific, including the South China Sea, to fully demonstrate the range of our friendship and alliance with the Government of the Philippines, including our commitments under the 1951 Mutual Defense Treaty, and to demonstrate the range of our mutual defense capabilities.

Question. Do you agree that Philippine-claimed features in the South China Sea are covered by our mutual defense treaty with the Philippines?

Answer. As Secretary Blinken has stated, the United States affirms the applicability of the 1951 U.S.-Philippine Mutual Defense Treaty to the South China Sea. The "Joint Vision for a 21st Century United States-Philippines Partnership" also reaffirms our shared treaty commitments, including our Mutual Defense Treaty obligations to respond to an armed attack in the Pacific Area on either the United States or the Philippines.

Question. In your view, what are the benefits to both the United States and to the Philippines of our security relationship and the fact that we provide security assistance to the Philippine military?

Answer. The Philippines is a vital security partner. The long-standing, ironclad alliance between the Philippines and the United States has contributed to peace, stability, and prosperity in the Asia-Pacific region for more than seven decades. U.S. dependability as an ally has been established over decades under the 1951 Mutual Defense Treaty which, together with the bilateral Visiting Forces Agreement and the Enhanced Defense Cooperation Agreement (EDCA), continues to provide the foundation for the defense relationship and enables critical U.S. military support, presence, and interoperability. These agreements facilitate the rotational presence of U.S. forces in the Philippines, expand opportunities for bilateral training, support the long-term modernization of the Armed Forces of the Philippines, augment the U.S. ability to provide rapid assistance to the Philippines in cases of natural disasters, and support our efforts to work closely with the Philippines to uphold the rules-based order in the South China Sea that protects the rights, freedoms, and lawful uses of the sea guaranteed to all nations.

Question. Do you commit to ensuring that U.S. security assistance remains robust to the Philippines?

Answer. If confirmed, I would continue our diplomatic and defense engagement at all levels to ensure full coordination between our governments on shared interests and to explore ways in which our security assistance to the Philippines can continue to facilitate more effective implementation of alliance priorities.

Question. What is your understanding of morale throughout Mission Manila?

Answer. One of the largest U.S. embassies in the Indo-Pacific, Mission Philippines counts on the talent, dedication, and service of our committed personnel. I understand that, like other missions in the region and around the world, Mission Philippines has been adversely affected by the global pandemic. I also understand that extended strict lockdowns in the Philippines prevented in-person schooling for the children of our Mission personnel and that other lockdown regulations prevented regular daily activities and engagements. I understand that the Philippines is begin-

ning to lift those lockdowns and related restrictions and that travel has opened back up again. If confirmed, I would work in concert with the Embassy's leadership team to bolster morale by focusing on the team's welfare and supporting them and their families as they work to promote bilateral relations.

Question. How do you intend to improve morale at Mission Manila?

Answer. Our Embassy in Manila is more than a place of work; it is a community of people. If confirmed, I would prioritize the safety and well-being of Embassy Manila's talented staff and families, which includes ensuring that morale remains high. I would work with the Deputy Chief of Mission to conduct listening sessions across the mission. I would also work in concert with the Embassy's Community Liaison Office to understand and address any issues affecting morale and to determine what tools and resources can be made available to them to maintain the mission's strong sense of community.

Question. How do you intend to create a unified mission and vision at Mission Manila?

Answer. If confirmed, I will start by listening to those already in Mission Philippines to understand their current priorities and engagements. I would also clearly communicate my priorities and those of the Biden-Harris administration.

Question. How would you describe your management style?

Answer. When it comes to leadership, management, and fostering teamwork, I like to say, "It's impossible to overcommunicate, but please try." My management style is open and inclusive. I believe in sharing information—even tough news—wherever possible so that our teams are empowered by knowledge of our options and limitations and can think creatively as a group, bringing our diverse talents to bear to find smart solutions to problem sets.

Question. Do you believe it is ever acceptable or constructive to berate subordinates, either in public or private?

Answer. I do not believe in berating mission employees in public or private. If confirmed, I commit to providing a safe and professional working environment for all Mission personnel.

Question. How do you envision your leadership relationship with your Deputy Chief of Mission?

Answer. I have served as a Deputy Chief of Mission for nearly six years in two posts for four different ambassadors. I know firsthand the value of a trusted ambassador-DCM partnership in the front office and, if confirmed, I will empower my Deputy Chief of Mission to serve as the Embassy's chief operating officer. I would regularly seek her guidance to ensure effective Embassy operations to enable the Embassy team to meet our strategic objectives in pursuit of strong bilateral ties.

Question. If confirmed, what leadership responsibilities do you intend to entrust to your Deputy Chief of Mission?

Answer. If confirmed, I will entrust my Deputy Chief of Mission to serve as the Embassy's chief operating officer, relying on her knowledge of Department policies and procedures to ensure the smooth functioning of Mission Philippines. I would also regularly seek her guidance on the full range of leadership, management, and policy issues the Mission faces.

Question. Do you believe that it is important to provide employees with accurate, constructive feedback on their performances in order to encourage improvement and reward those who most succeeded in their roles?

Answer. I like and have often referenced Kim Scott's concept of "Radical Candor," which posits that the best bosses are those who give direct, candid guidance to the people they supervise, thereby improving performance while demonstrating care for them as individuals and concern for their career development. I believe it is important to provide employees with accurate, constructive feedback on their performance in order to recognize their good work, encourage professional development, and reward those who successfully advance the priorities of the Department.

Question. If confirmed, would you support and encourage clear, accurate, and direct feedback to employees in order to improve performance and reward high achievers?

Answer. If confirmed, I would support and encourage clear, accurate, and direct feedback to employees in order to recognize their good work, encourage professional development, and reward those who successfully advance the priorities of the Department.

Question. In your opinion, do U.S. diplomats get outside of our Embassy walls enough to accomplish fully their missions?

Answer. Strict COVID pandemic lockdowns over the past two years have curtailed Embassy operations in many countries, including, as I understand, in the Philippines. In my experience, however, that is a unique exception. As I have heard Secretary Blinken say, "Diplomacy is a contact sport." Actively reaching out, establishing contacts, and getting out of the Embassy and into the communities in which we serve—within the bounds of prudent security measures—are all essential elements of diplomatic outreach, critical to the conduct of effective diplomacy.

Question. How do you intend to improve the ability of U.S. diplomats to better access all local populations?

Answer. If confirmed, I would work with the public affairs team and others across the microcosm of the interagency in Mission Philippines to ensure we are reaching diverse Philippine audiences in an inclusive and strategic way.

Question. What is the public diplomacy environment like in the Philippines?

Answer. I understand there is a vibrant and active public diplomacy environment in the Philippines. If confirmed, I would work to expand and strengthen the relationship between our peoples and governments. Our public diplomacy efforts in the Philippines are effective and far-reaching, thanks to both the high favorability rating the United States enjoys in the Philippines and the extended, well-organized, and active network of U.S. exchange program alumni with whom the Embassy regularly engages. I understand some of the Mission's most successful programs include cultural and sports programming, academic grants, educational exchanges, and international visitor programs. I would hope to continue science and technology-related public diplomacy programs which focus on encouraging youth, particularly women, to explore STEM fields. In all of our outreach, I would promote principles of diversity, equity, inclusion, and accessibility.

Question. What public diplomacy challenges do U.S. diplomats face there?

Answer. I understand the COVID–19 pandemic has been a challenge for public diplomacy programming in the Philippines, although many initiatives have continued by shifting online or by changing logistics. Another challenge, as I understand it, is that U.S. spending on public diplomacy in the Philippines is dwarfed by that of the PRC. If confirmed, I would work with our team in Manila to continue to retain our edge by countering quantity with quality, but I would also seek to ensure our public diplomacy resources are sufficient to successfully combat PRC disinformation.

Question. How do you balance the importance of Main State versus the in-country mission when it comes to tailoring public diplomacy messages for foreign audiences?

Answer. If confirmed, I will work with the team at Mission Philippines to understand and protect the Mission's crucial role in formulating public diplomacy programs and responses. Mission personnel provide a broad range of expertise and local insights. If confirmed, I would draw on that local expertise to ensure our public diplomacy messages are appropriately calibrated for the local audience and that they reflect key foreign policy priorities.

Question. "Anomalous health incidents," commonly referred to as "Havana Syndrome," have been debilitating and sidelining U.S. diplomats around the world for years. They have caused serious, negative consequences for U.S. diplomacy, yet many believe that the Department is not doing enough to care for, protect, and communicate to its personnel. If confirmed, do you commit to taking this threat seriously?

Answer. I am deeply troubled by potential anomalous health incidents that have affected Embassy personnel and their family members. I agree we must take these reported incidents seriously. If confirmed, I would have no higher priority than the health, safety, and security of Embassy Manila staff and their families.

Question. If confirmed, do you commit to talking as openly as you can to Mission Manila personnel?

Answer. I often say, "It's impossible to overcommunicate, but please try." Open, effective communication is central to my leadership approach and, if confirmed, I wholeheartedly commit to talking as openly as I can to mission personnel not only about anomalous health incidents, but other issues as well. If confirmed, I commit to doing everything in my power to protect the health and safety of our Embassy team members and their families.

Question. In the State Department's 2021 Trafficking in Persons Report, the Philippines was identified as Tier 1 but the Government was noted as convicting fewer traffickers in the reporting period. Knowing there is room for improvement despite meeting the minimum standards, how will you work with the host government to address these issues if you are confirmed as Ambassador?

Answer. Trafficking in persons is a matter of deep concern for me, and if confirmed I would actively engage the Government of the Philippines to address this issue, including by sharing best practices from the United States and other likeminded partners. If confirmed, I would reinforce the need to vigorously investigate and prosecute sex and labor trafficking cases, as well as other forms of human trafficking, and hold convicted traffickers accountable.

Question. If confirmed, please describe how you will bolster these efforts in conjunction with the Ambassador-at-Large.

Answer. If confirmed, I would direct my team to encourage the Philippines to adopt the prioritized recommendations in the Department of State's annual Trafficking in Persons Report and I would work closely with the Ambassador-at-Large, when one is appointed and confirmed, to coordinate U.S. engagements with the Government of the Philippines to combat and prevent trafficking in persons.

Question. In the State Department's 2020 International Religious Freedom Report, the Philippines was identified as not particularly tolerant of religious freedom, especially among Muslims. What is your assessment of this particular issue and if confirmed, how will you work with the Ambassador-at-Large to bolster religious freedom in-country?

Answer. As Secretary Blinken has stated, the United States maintains its unwavering support to promote respect for and protect freedom of religion or belief for all. The annual International Religious Freedom Report notes that the Philippines' constitution provides for the free exercise of religion and religious worship, and I understand that Mission Philippines has conducted a broad range of engagement with the Government of the Philippines and with civil society to highlight the importance of international religious freedom. If confirmed, I would ensure that we continue these important engagements, and I would work with the Ambassador-at-Large to explore ways that we can bolster religious freedom in the Philippines. I appreciate the longstanding Congressional support on freedom of religion or belief and look forward to working with you on how we can continue to preserve and protect this human right.

Question. In the State Department's 2020 Human Rights Report, Philippines was identified as having committed severe human rights abuses including but not limited to unlawful or arbitrary killings, including extrajudicial killings; reports of forced disappearance; torture; harsh and life-threatening prison conditions; arbitrary detention by and on behalf of the Government and nonstate actors; and more. If confirmed, what steps will you take to address these instances with the host government?

Answer. Promoting respect for human rights and the rule of law is fundamental to U.S. relations with the Philippines. The alliance with the Philippines is foundational to the U.S. role in the Indo-Pacific, and the relationship is built on shared values and principles founded upon mutual democratic aspirations. As a friend, partner, and ally of the Philippines, the United States maintains a robust dialogue with the Philippine Government about all aspects of our long-standing relationship, including human rights concerns, such as those related to freedom of expression, including for members of the press, and reports of extrajudicial killings. Sustained constructive engagement with all levels of the Philippine Government, military, and civil society is essential for promoting respect for human rights.

If confirmed, I would ensure that we continue this engagement with the Government, military, and civil society. In discussions with my Filipino counterparts, I would reinforce the importance of human rights, particularly adequate legal protections and the rule of law. If confirmed, I would also work to improve access to and administration of justice in the Philippines, through programs administered by USAID, the Department of Justice, and the Department of State's Bureau of International Narcotics and Law Enforcement Affairs.

Question. How will you direct your Embassy to work with civil society organizations to improve the human rights situation on the ground?

Answer. If confirmed, I would ensure a whole-of-embassy effort to diligently monitor the human rights situation in the Philippines. Through numerous ongoing training and development programs, the team and I would work to support and enhance the efforts of Philippine human rights defenders, including civil society organizations that are bravely working to promote respect for human rights. I would

also continue to work with USAID, the Department of Justice, the Department of State's Bureau of International Narcotics and Law Enforcement Affairs, and other U.S. Government agencies as they administer and manage their programs in the Philippines.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO MARYKAY LOSS CARLSON BY SENATOR EDWARD J. MARKEY

Question. On March 30, Nobel Peace Prize Laureate Maria Ressa testified before the East Asia, the Pacific, and International Cybersecurity Policy Subcommittee about the assault on freedom of expression in Asia and the upcoming elections in the Philippines which Ms. Ressa characterized as "an existential moment" for democracy in the Philippines. I'm concerned that successive U.S. administrations have put human rights on the backburner. As we've seen time and time again, authoritarian governments make unreliable partners. If confirmed, will you pledge to publicly and privately elevate issues of human rights, freedom of speech, and the rule of law with the new Government of the Philippines?

Answer. If confirmed, I pledge to publicly and privately elevate issues of human rights, freedom of speech, and the rule of law. Promoting respect for human rights and the rule of law is fundamental to U.S. relations with the Philippines. The alliance with the Philippines is built on shared democratic values and principles, which would anchor my engagement with the Philippines Government if I am confirmed. I would also work to improve the Administration of justice, which is crucial for achieving adequate legal protections and access to justice, through programs administered by U.S. interagency partners, including USAID, the Department of Justice, and the Department of State's Bureau of International Narcotics and Law Enforcement Affairs. Through our numerous ongoing training and development programs, I would work to support and enhance the efforts of Philippine human rights defenders, including civil society organizations that are bravely and continuously working to promote respect for human rights. I would ensure the team at our Embassy continues to diligently monitor the human rights situation in the Philippines, and, in discussions with my Filipino counterparts, I would reinforce the importance of respect for human rights and the rule of law.

If confirmed, I would also encourage the Government of the Philippines to respect freedom of expression and freedom of the press. I would continue to support local initiatives to counter disinformation. I remain concerned about the cases against journalist Maria Ressa and Senator Leila de Lima and by the politically motivated refusal to renew the license of ABS-CBN, the country's largest broadcast network. If confirmed, I would continue to call for resolution of the cases in a way consistent with the Philippines' constitution and international obligations, including protection of the right to freedom of expression.

I appreciate Congress's close attention to the full range of human rights issues and, if confirmed, look forward to continuing our close consultations on these important matters.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO MARYKAY LOSS CARLSON BY SENATOR TODD YOUNG

Question. It is my understanding there are over 5,000 certified foreign nurses approved for entry into the United States from the Philippines. They are waiting for in-person interviews at the Embassy, sometimes without any word as to when those interviews may happen. I have heard from numerous hospitals across Indiana who desperately need these nurses and are anxiously awaiting their arrival. If confirmed, how will you work to reduce the backlog of foreign nurses?

Answer. According to State Department statistics, Consular operations at the U.S. Embassy in the Philippines are among the largest and most high-profile in the world. U.S. visa operations play an important role in our people-to-people ties, and, especially now, help to provide qualified skilled workers in crucial industries such as healthcare. I understand the consular section at U.S Embassy Manila is making significant progress toward adjudicating E3 immigrant visas for nurses and other critical industry workers and their families. If confirmed, I will ensure continued momentum in adjudicating these critical industry visas in accordance with all relevant U.S. laws and regulations and will make sure our resources are focused on this effort, while also supporting other important priorities of the Mission.

Question. If confirmed, will you commit to improving the level of communication between the Embassy and the nurses applying for a visa?

Answer. Yes, improving communication is a constant goal—in this issue area and others of significance to bilateral ties. The consular section of the U.S. Embassy in Manila is working hard to adjudicate E3 immigrant visas for nurses and other critical industry workers and their families. If confirmed, I will ensure that our Consular operations continue their momentum in adjudicating these critical industry visas and ensure that our Mission devotes resources to this effort, including to ensuring timely and proper communication with visa applicants, while also supporting other important priorities of the Mission

Question. What is your perspective on how we can strengthen our diplomatic engagement with the Philippines, particularly after several rocky years?

Answer. The long-standing, ironclad alliance between the Philippines and the United States is irreplaceable and foundational to our strategic interests in the Indo-Pacific. As friends, partners, and allies, we must continue building on the well-established foundation between our two countries to strengthen our bilateral engagement in the face of new global challenges.

If confirmed, I would continue to closely engage with top Philippine leadership to ensure utmost coordination in matters of mutual concern. This includes working with the Philippines to enable stronger security and defense cooperation and to expand opportunities for bilateral training, exercises, and capacity building to advance peace and security in the region. I would also work to ensure our security cooperation continues to help the Philippine military and law enforcement bodies combat terrorism, transnational crime, and violent extremism.

If confirmed, I would continue U.S. efforts to urge the Philippine Government to conduct all law enforcement operations in accordance with the rule of law and consistent with its international human rights obligations, and I would urge the Government to conduct thorough, transparent investigations into all suspected unlawful killings, and to hold accountable those who are responsible. I would also work to strengthen the Administration of justice and support Philippine human rights defenders and civil society, and encourage respect for freedom of expression, including for members of the press. Finally, if confirmed, I would support reforms that enhance transparency, assure labor rights protections, boost beneficial trade and investment between our two countries, and increase cooperation to ensure resilient supply chains. I would promote an economic partnership that engages the U.S. and Philippine private sectors to invest in climate action and support low-carbon energy security.

Question. From your perspective, what advantages does the Philippines bring to our U.S. Indo-Pacific strategy, particularly in terms of maritime security and supply chain resilience?

Answer. The Philippines is a vital, irreplaceable, and critically important partner to the United States in the Indo-Pacific. The alliance between our two countries has contributed to peace, stability, and prosperity in the Asia-Pacific region for more than seven decades. If confirmed, I intend to work with the Philippines to deepen the special partnership between our two countries. I would continue to encourage diplomatic and defense engagement at all levels to ensure full coordination between our governments on shared interests, including upholding the rules-based order in the South China Sea that protects the rights and freedoms guaranteed to all nations. I would work to enhance bilateral coordination and communication processes to facilitate more effective implementation of alliance priorities, and I would work with colleagues across the interagency to expand cooperation in our shared priority areas such as maritime security and supply chain resilience.

Question. What is your view on how we can deepen our economic relationship with the Philippines under the Indo-Pacific strategy? Are there opportunities for engagement on digital trade in particular?

Answer. The United States and the Philippines enjoy strong economic ties that benefit the peoples of both our countries. In 2021, the United States was among the Philippines' top three trading partners and the Philippines was the United States' 31st largest goods trading partner. If confirmed, I would work hard to lower barriers to trade and investment through our bilateral and multilateral engagements, including through our regular Bilateral Strategic Dialogue with the Government of the Philippines and through fora such as the Asia-Pacific Economic Cooperation (APEC). I would also work closely with the Office of the U.S. Trade Representative to support engagement through our bilateral U.S.-Philippines Trade and Investment Framework Agreement (TIFA), as well as through our multilateral TIFA with the

Association of Southeast Asian Nations (ASEAN). I would ensure the U.S. Mission in Manila continues to advocate for stronger trade and investment ties and for commercial and defense sales consistent with applicable law and U.S. Government policy. If confirmed, I intend to explore more ways to encourage mutually beneficial U.S. investment in the Philippines, including by tackling some of the issues cited by the private sector, such as corruption and customs issues. I would also work with the Government of the Philippines to explore new opportunities to enhance our bilateral economic relationship, including on cyber and digital trade.

Question. Given that polls in the Philippines suggest that nearly 60 percent of Filipinos do not trust the Chinese, why do you think President Duterte has sought to pivot towards some form of an alliance with China?

Answer. Publicly available opinion polls show that the Philippine public shares our concerns about aggressive and unlawful actions by the PRC in the region. At the same time, the Philippines, like the United States, has economic ties to China. If confirmed, I would encourage our Philippine allies to continue to proactively raise concerns over PRC actions that undermine the rules-based international order. I would also encourage regular communication and coordination with the Philippines to address common security concerns, in particular the PRC's increasingly provocative and destabilizing activities in the South China Sea.

Question. Ahead of the May elections, what is your sense of how the various candidates are evaluating relations with China? Do you believe the relationship with China will change substantively in a new government?

Answer. The U.S.-Philippines relationship is one of friends, partners, and allies who coordinate across the full range of human endeavor to promote the interests of our peoples. We enjoy a vital partnership and, if confirmed, I look forward to strengthening bilateral ties in coordination with the new democratically elected government that is slated to take office in early July. I understand the various candidates are currently campaigning and determining their platforms and policy positions, including on Philippine relations with the PRC. As Secretary Blinken has repeatedly said, the United States is not asking the Philippines, or any other country, to choose sides. Instead, we seek to partner with the Philippines on issues of shared concern, including with regard to the PRC's provocative behavior in the region. If confirmed, I would encourage our Philippine allies to continue to proactively raise concerns over PRC actions that undermine regional stability and the rules-based international order.

Question. Given your extensive background in the region, how do you view Chinese influence and interests in the Philippines?

Answer. Like the United States, the Philippines maintains a robust relationship with the PRC that includes economic and people-to-people ties. The Philippines, however, shares our concerns about the PRC's provocative behavior in the region. For example, it was the Philippines' initiative that led to the 2016 ruling by the arbitral tribunal rejecting the PRC's expansive and unlawful claims in the South China Sea. The Philippines is one of the states most affected by the PRC's unlawful maritime claims. PRC activities in the South China Sea threaten Philippine livelihoods, food security, biodiversity, and energy security. As such, both the United States and the Philippines have a clear national interest in preserving unimpeded lawful commerce, respect for international law, including freedoms of navigation and overflight, and other lawful uses of the sea, and the peaceful resolution of disputes in the South China Sea. If confirmed, I would continue to push whole-of-government U.S. efforts to bolster Philippine capacity for maritime domain awareness in the South China Sea and I would also encourage regular communication and coordination with the Philippines on addressing the PRC's coercive activities in the South China Sea.

Question. How would you approach engaging with the Government of the Philippines on matters relating to China if confirmed as the Ambassador?

Answer. If confirmed, I would endeavor to strengthen the irreplaceable U.S.-Philippines alliance, which serves as a source of common security in the region. As President Biden and Secretary Blinken have stated, the U.S. approach to the PRC will be competitive when it should be, cooperative when it can be, and confrontational when it must be. The common denominator in this approach is the need to engage Beijing from a position of collective strength, which means working with partners like the Philippines, because our combined weight, backed by law, is much harder for the PRC to ignore.

If confirmed, I would encourage our Philippine allies to continue to proactively raise concerns over PRC actions that threaten regional stability and undermine the

rules-based international order. I would also encourage regular communication and coordination with the Philippines to address common security concerns, in particular the PRC's increasingly provocative activities in the South China Sea. This includes continuing to push whole-of-government U.S. efforts to bolster Philippine capacity for maritime domain awareness, including through improving the capacity of the Philippine Coast Guard; encouraging regular communication and coordination with the Philippines regarding provocations in the South China Sea; and supporting joint maritime or naval operations anywhere in the Pacific, the South China Sea included. I would promote these joint efforts to fully demonstrate the range of our friendship and alliance with the Government and people of the Philippines, including our commitments under the 1951 Mutual Defense Treaty, and to demonstrate the range of our mutual defense capabilities.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO MARYKAY LOSS CARLSON BY SENATOR JEFF MERKLEY

Question. If confirmed, how would you support efforts to investigate human rights violations in the Philippines committed by the Duterte regime, the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC), the Armed Forces of the Philippines, and the Philippine National Police?

Answer. As friends, partners, and allies, the Philippines and the United States maintain a robust dialogue about all aspects of our long-standing relationship, including human rights concerns. Sustained constructive engagement with all levels of the Philippine Government, military, and society is essential for promoting respect for human rights—values that underpin our relationship. If confirmed, I would continue active engagement, to include a strong focus on bringing to justice those responsible for extrajudicial killings. If confirmed, I would continue to urge the Government to conduct all law enforcement operations in accordance with the rule of law and consistent with the Philippines' constitution and international human rights obligations. In discussions with Filipino counterparts, I would reinforce the importance of fair trial guarantees, all other applicable legal protections, and the rule of law. If confirmed, I would ensure the team at our embassy continues to diligently monitor the human rights situation in the Philippines. I appreciate Congressional attention to this issue and look forward to continuing close consultations.

Question. If confirmed, how would you ensure accountability that U.S. military aid to the Philippines does not fund further human rights violations?

Answer. The U.S.-Philippines alliance is strategically irreplaceable and foundational to the U.S. role in the Indo-Pacific. The Philippines is a linchpin connecting Northeast Asia with maritime Southeast Asia and sits astride vital sea lines of communication; thus, strong strategic relations with the Philippines are essential to our national security. Time and again, the Philippines has proven crucial—whether in facilitating our response to natural disasters in the region or enabling our ability to respond to contingencies and shape security in the Indo-Pacific.

The promotion of respect for human rights is also an indispensable element of our foreign policy and advances our strategic interests. If confirmed, I would appreciate the opportunity to discuss how we can best simultaneously achieve our human rights objectives and our security assistance objectives to protect the national security interests of the United States.

If confirmed, I would work to ensure that no assistance is provided to Philippine security units credibly implicated in a gross violation of human rights, including by complying with all Leahy vetting requirements. Our programs and assistance to the Armed Forces of the Philippines and the Philippine National Police include human rights training and associated institutional capacity building programs, and I would ensure that training and those programs continue, as appropriate, if confirmed.

I understand that our embassy closely tracks allegations of human rights abuses and restricts assistance to security forces credibly implicated in gross violations of human rights in accordance with the Leahy Law. If confirmed, I would ensure we continue to devote adequate resources into this effort.

Question. Given the strong military relationship between the U.S. and Philippines, how has the U.S. used its leverage and close ties to encourage the military to uphold human rights and democratic principles?

Answer. The United States' and the Philippines' shared commitment to democracy is an integral part of our longstanding partnership. The United States is committed to partnering with the Philippines to strengthen its democratic resilience, and we

regularly raise the importance of protecting human rights and fundamental freedoms in our bilateral engagements, including with the armed forces. Sustained constructive engagement with all levels of the Philippine military is essential for promoting both respect for human rights and U.S. security interests. If confirmed, I would continue the robust dialogue with the Philippine armed forces about all aspects of our longstanding relationship, including human rights concerns. I would ensure post is complying with all Leahy vetting requirements to help ensure that no assistance is provided to Philippine security units credibly implicated in gross violations of human rights. I would communicate U.S. requirements to our Philippine counterparts so they understand the consequences of committing gross human rights violations. If confirmed, I would work to ensure our U.S. programs and assistance to the Philippines armed forces and select police units include human rights training and associated institutional capacity building programs.

Question. What is the U.S. Government's position on the legacy of the Marcos Dictatorship?

Answer. The Philippines is a vibrant democratic ally with which we share a long and important history. The deep friendship and people-to-people ties between our two democracies have stood the test of time, bolstered by more than 75 years of robust diplomatic ties spanning different administrations in both countries. If confirmed, I pledge to work with the Government of the Philippines to ensure that our alliance continues to reflect our shared values and highest ideals, and I would work to ensure that our engagements with and assistance to the Philippines support good governance, human rights protections, and the rule of law.

Question. How will U.S. policy towards the Philippines change if Marcos wins the upcoming presidential election?

Answer. The alliance with the Philippines is built on shared values and principles founded upon mutual democratic aspirations. The upcoming elections provide Filipinos the opportunity to democratically elect their leaders. The Philippine people elect their leaders; we elect to work with their leaders to further our mutual interests in the Indo-Pacific and across the globe. If confirmed, I will seek to deepen our partnership, strengthen people-to-people ties between our two democracies, upgrade and modernize our alliance to face new challenges, expand U.S. trade and investment, and support the rule of law and good governance.

Question. What is the likelihood that the 2022 elections in the Philippines can be considered "free and fair" and an accurate representation of the will of the people?

Answer. The upcoming elections in the Philippines provide the opportunity for Filipinos to exercise their will and their democratic right to vote for their leaders. As documented in the State Department's 2020 Human Rights Report, international and national observers viewed the Philippines' most recent midterm elections in May 2019 as well organized and generally free and fair, even though vote buying continued to be widespread and dynastic political families continued to monopolize elective offices. If confirmed, I would look for opportunities to offer U.S. election support, share good governance strategies with the Philippine Government, and engage with the new democratically elected administration.

Question. What steps is the U.S. taking to support the development of democracy in the Philippines and prevent autocratic rule?

Answer. The United States works closely with interlocutors in the Philippines to support the development of democracy. Programs administered by USAID, the Department of Justice, and the Department of State's Bureau of International Narcotics and Law Enforcement Affairs support improving the Administration of justice, which is crucial for achieving due process and access to justice. Through our numerous ongoing training and development programs, we support and enhance the efforts of Philippine human rights defenders including civil society organizations who are bravely and continuously working to promote respect for human rights. The United States supports the work of local human rights advocates to enhance access to justice for the most vulnerable communities, including victims of the drug war. If confirmed, I would strive, in consultation with Congress, to enhance our government's work with Philippine civil society organizations to inspire the public to seek, affirm, and demand the observance of human rights. I understand that our embassy closely tracks allegations of human rights abuses. If confirmed, I will ensure we continue to put adequate resources into these efforts.

Question. Has the State Department considered the imposition of sanctions on those individuals that are actively trying to undermine democracy in the Philippines?

Answer. The United States is committed to helping the Philippines strengthen its democratic resilience and we regularly raise the importance of protecting human rights and fundamental freedoms with all levels of the Philippine Government, military, and civil society. If confirmed, I will reinforce the importance of human rights, particularly fair trial guarantees, all other applicable legal protections, and the rule of law in my discussions with my Filipino counterparts. I appreciate Congressional attention to human rights in the Philippines and look forward to continuing close consultations with you on this issue.

NOMINATIONS

WEDNESDAY, MAY 4, 2022

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
SUBCOMMITTEE ON EUROPEAN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 2:04 p.m., in Room SD–419, Dirksen Senate Office Building, Hon. Jeanne Shaheen presiding.

Present: Senators Shaheen [presiding], Menendez, Kaine, Markey, Booker, Van Hollen, Risch, Johnson, Young, and Barrasso. Also Present: Senator Schumer.

OPENING STATEMENT OF HON. JEANNE SHAHEEN, U.S. SENATOR FROM NEW HAMPSHIRE

Senator SHAHEEN. This hearing of the Senate Foreign Relations Committee's Subcommittee on European Affairs will come to order, and I apologize for being a little late this afternoon.

As you may have heard, there is a lot going on. We have about 28 votes that are starting at 2:30. So I think we will probably pass the gavel back and forth so that we can try and continue the hearing while the votes are going on, and in the interest of expediting my remarks to get to each of you, I am going to submit my opening statement for the record and just start by welcoming three important nominees to advance America's foreign policy: Ambassador Jane Hartley, who has been nominated to the Court of St. James in the United Kingdom; Constance Milstein nominated to the Republic of Malta; and Alan Leventhal nominated to the Kingdom of Denmark.

Welcome to each of you. This hearing will also review the nomination of Dr. Bruce Turner to serve as U.S. representative to the Conference on Disarmament.

Again, we are delighted to be able to hear from each of you today and to have a chance to ask you some questions about what we hope will be soon-to-be confirmed posts.

Let me, again, submit my remarks for the record along with a statement from Senator Coons, who is not going to be able to be here but also wanted a statement entered into the record, and turn it over to the ranking member, Senator Johnson.

PREPARED STATEMENT OF HON. JEANNE SHAHEEN

I would like to call this hearing of the Senate Foreign Relations Committee to order. This hearing will review the nominations of three important nominees to advance America's foreign policy: Ambassador Jane Hartley to the Court of St James

in the United Kingdom, Constance Milstein to the Republic of Malta and Alan Levanthal to the Kingdom of Demark. This hearing will also review the nomination of Dr. Bruce Turner to serve as U.S. Representative to the Conference on Disarmament.

Today, more than ever, our diplomats are critical in advancing U.S foreign policy and national security interests amid the most seismic shifts of our global security landscape in 80 years.

Putin is trying to rewrite history by rebuilding the Soviet Union—challenging the international values, laws and institutions that have kept our world safe since World War II.

The bloodshed and senseless violence that Putin is waging upon the Ukrainian people—as well as the Ukrainian people's unrelenting resolve to protect their country—has captured the hearts of communities around the entire world. Putin must be held accountable for his egregious crimes.

But we can't do it alone. And that's why our relationships with our partners and allies—especially through our alliances—are so important to hold Putin to account.

But for Putin to feel the full weight of consequences of his actions, we must have ambassadors in place to coordinate our response. And we can maximize our bilateral cooperation by confirming ambassadors to further strengthen that coordination.

Just two weeks ago, I was in the Western Balkans on a Congressional delegation with Senator Murphy and Senator Tillis. We had the opportunity to meet three very recently confirmed Ambassadors. It was clear from our meetings that our diplomatic impact is sustained by the dedicated public servants of the Foreign Service but can truly be transformed with confirmed Ambassadors on the ground.

I am pleased to see that Leader Schumer is here to introduce Ambassador Jane Hartley and Constance Milstein, but I'd like to mention why the position of Ambassador to the United Kingdom is so important, as it has a special connection to my home state of New Hampshire.

In March 1941, former Governor of New Hampshire John Winant was appointed Ambassador to the United Kingdom at a critical moment for UK–U.S. relations. Great Britain was suffering from relentless bombings from Nazi Germany and sought support from the United States to push back against Hitler—not just for the sake of Great Britain but for the future of Europe.

Ambassador Winant played a critical role in implementing the Lend-Lease program and, once the United States formally entered the war, played an integral role in maintaining close coordination between Churchill and Roosevelt in planning the Allied response. Ambassador Winant is an overlooked figure in World War II history but his efforts put the word 'special' in this bilateral relationship. And this is precisely why—and how—our Ambassadors are so essential in bolstering our bilateral relationships.

I have no doubt that Ambassador Hartley's experience and background has prepared her to also add value to the bilateral relationship to our relations with the United Kingdom. Ambassador Hartley previously served as Ambassador to France and Monaco during a critical tenure in U.S.-France relations—coordinating responses to the terrorist attacks at the Bataclan, the Charlie Hebdo attacks and the migrant crisis of 2015.

In recognition of her contributions to U.S.-France relations, she received the Legion of Honor from the French Government.

Ms. Hartley's appointment comes at a transformative moment for the UK, which is redefining its role in the world after voting to leave the European Union in 2015.

I have been impressed by the UK's leading response to the Ukraine crisis, providing critical lethal assistance to Ukraine and closely aligning with the United States within NATO and the U.N. to condemn and punish Putin for his belligerent actions.

Although there is strong interest in the Senate to advance a trade agreement with the UK, it must be said that we are also closely watching the situation in Northern Ireland.

We wish to see continued implementation of the Good Friday and Stormont House Agreements to ensure lasting peace in Northern Ireland. Significantly, next year the UK will honor the 25th anniversary of the Good Friday Agreement, providing an opportunity to celebrate an extraordinary achievement and recommit to peace, stability and prosperity in Northern Ireland.

I am also pleased to see Constance Milstein nominated to the position of Ambassador to Malta. Ms. Milstein has long supported important philanthropic causes in support of young people around the world, and I applaud her lifelong commitment to supporting our service members and their families.

Her nomination comes at an important time for our continued collaboration with Malta on resisting Russia's malign influence in Europe. I welcomed Malta's an-

nouncement that it would end so-called "golden passports" for Russian and Belarusian nationals in response to Russia's illegal and unprovoked invasion of Ukraine.

The U.S. Senate remains committed, in a bipartisan fashion, to supporting Ukraine against the Kremlin's bloody campaign and resisting Russia's attempts to destabilize Europe and the free world. Expeditiously confirming Ms. Milstein to Malta is an important part of that support.

I am glad to see Alan Levanthal today, nominated to be the U.S. Ambassador to Denmark. Mr. Levanthal has been the Chairman and CEO of Beacon Capital Partners since its founding in 1998. He has a long history working on international issues in the public and private sector. And the timing of his nomination is also important for our relations with Denmark.

I welcome Denmark's decision to significantly increase its defense budget to meet its two percent defense spending commitment by 2033, though I would note that a more expedited timeline might be required given the significant threat that Russia poses. I also note that Denmark seeks to become independent of Russian natural gas.

It is in America's interest to help advance and accelerate America's energy diversification strategy and reduce its reliance on Russian gas.

Last, I welcome Dr. Bruce Turner, nominated to be U.S. Representative to the Conference on Disarmament. Dr. Turner has a distinguished record of service with the Department of State that will enhance U.S. presence at the Conference on Disarmament, a crucial body supporting arms control and disarmament.

These issues are all the more pressing given the new threats to democratic security around the world, including from Russia, China and North Korea.

All appointments come at an important moment for global security, as the U.S. faces new threats from our adversaries, including Russia.

So without further ado, I'd like to hand it over to the ranking member for his opening remarks. We will then turn to the nominees for their opening statements.

PREPARED STATEMENT OF HON. CHRISTOPHER A. COONS

I am proud and honored to have the opportunity to introduce a dear friend, Connie Milstein, who has been nominated by President Biden to serve as our Ambassador to the Republic of Malta.

I would be remiss if I didn't also thank her family for their unwavering support of Connie in helping her achieve her goals, particularly her husband Said and her daughters, Abigail and Joanna.

I first met Connie when I was a New Castle County Executive, and she was involved in the Democratic Leadership Council. She was one of my earliest supporters.

As an attorney, business leader, philanthropist, and political force, Connie has made important contributions to strengthening our democracy.

She possesses the rare talent and passion for seeking out and lifting up young elected officials working in state and local government in an effort to drive principled American leadership. I am one of many who have benefited from her work, which transcends party lines.

In addition to her work in politics, Connie has served the Secretary of the Army and has tirelessly worked to support our troops throughout her career. She is a founding board member of Blue Star Families, the nation's largest support organization for military spouses and children. She also started Dog Tag Bakery, a company, whose mission is to use its profits to transform the lives of veterans with service-connected disabilities, their military spouses, and their caregivers through investment in their higher learning.

Connie is a proud American, an internationalist, and an incredibly capable individual to take this post.

I look forward to supporting her in this work and urge my colleagues to support her nomination.

STATEMENT OF HON. RON JOHNSON, U.S. SENATOR FROM WISCONSIN

Senator JOHNSON. Thank you, Madam Chair. I will follow your fine example. I also ask my opening statement be entered into the record.

I also want to welcome the nominees and thank them for their past service but also for their willingness to serve in these capacities as well. So I am looking forward to hearing from your testimony.

And thank you, Madam Chair.

PREPARED STATEMENT OF HON. RON JOHNSON

Thank you Senator Shaheen.

I would like to thank each of the nominees, as well as their families, for their service. If confirmed, our nominees will be preforming important diplomatic service at a critical time for Europe and the world. You would be working to advance our national interests in Denmark, Malta, and the United Kingdom, as well as at the Conference on Disarmament. You would be responsible not only for representing America there, but you will also need to ensure that you keep America informed as to those countries views back here at home, especially by keeping members of this committee and our staffs updated on the situation on the ground. If the vision for a Europe 'whole, free and at peace' is ever to become a reality, we must work in close coordination with our European allies and partners, leveraging our position in international institutions, to reject and combat Russia's illegal and unprovoked atrocities and war crimes in Ukraine, as well as other malign activities by America's adversaries.

The United Kingdom and Denmark are both stalwart NATO allies, and very close bilateral partners of the U.S. As we work together to counter Russia's latest attack on Ukraine and to strengthen NATO, we should also seize the moment to reach deeper levels of friendship, including strengthening trade and defense cooperation. While Malta is not a NATO member, it has been an active U.S. partner in a number of ways, including combatting transnational crime in the Mediterranean. Given Malta's strategic location, opportunities to develop a more robust partnership should be pursued. All three countries have committed to enforcing sanctions against Russia, with the United Kingdom and Denmark also taking the important step of providing weapons and other types of support to the Ukrainian people.

I look forward to hearing from all the witnesses and am grateful to them for appearing today.

Senator SHAHEEN. Thank you, Senator Johnson.

Let me also recognize the ranking member of the full committee, Senator Risch. We are glad that you are here as well, and I know we are waiting for Senator Schumer, who we think is going to come to do introductions of Ambassador Hartley and Ms. Milstein.

But in the meantime, I am going to ask, Senator Markey, if you would like to introduce Mr. Leventhal.

STATEMENT OF HON. EDWARD J. MARKEY, U.S. SENATOR FROM MASSACHUSETTS

Senator MARKEY. Thank you. Thank you, Madam Chair. It is my honor to be here today to introduce Alan Leventhal, nominated to be the United States Ambassador to the Kingdom of Denmark.

Joining Alan today are his wife, Sherry, and his son, Alexander, and it is a proud day for the Leventhal family, which has had a long, rich history in the city of Boston, transforming it.

He is a son of the Commonwealth. In his highly successful business, academic, and nonprofit endeavors, he has left his mark on Boston and beyond. First, in the literal sense, his company has made downtown Boston's financial districts bustling as a destination, and it was also behind the revitalization of the Boston Harbor through the construction of Rowes Wharf and, really, opening up Boston Harbor to the city of Boston for the first time in 50 years.

And, more importantly, Alan has left his mark in improving the lives of those in his community in the fight against cancer. He

funded the sharpest minds as chair of the Damon Runyon Cancer Research Service. Their track record was impressive. Twelve of the individuals they funded ended up winning the Nobel Prize.

He has also left his mark in education, which he considers his true passion. He served on the governing board at MIT, which dedicates $2 billion every year on research funding to tackle the top challenges our country faces.

Alan jokes that he may be the only one in his family that does not have a degree from Boston University. But through his transformational work as chair of the board of trustees at BU, he created greater opportunities for tens of thousands of proud BU graduates during his tenure.

He will assume his post in Copenhagen at a time of great turmoil in the European continent. Denmark plays an outsized role in supporting U.N. peacekeeping operations and the counter ISIS campaign.

Unsurprisingly, Denmark has, again, risen to the challenge in Europe's response to Russia's illegal invasion of Ukraine, including by weaning itself off of Russian fossil fuels. As Ambassador, Alan will play a key role in building upon that unified response to Russian aggression.

It is a country of just 6 million people but it has few peers when it comes to the global fight against climate change, Alan knows, because his buildings are the best buildings in terms of energy efficiency that can be constructed.

He and Boston brought together business and civic leaders through the Boston Green Ribbon Commission to show that clean energy is good for our economies and for our planet.

We are very proud of him in Massachusetts, but it is his lifetime of work in combating the scourge of cancer, the climate crisis, and training the next generation of American leaders that makes Massachusetts not just the Bay State but the brain state, and we are proud to have him as someone who represents our state.

The diversity of his experience also makes him a fantastic choice to be our top diplomat to the Kingdom of Denmark at a moment of great consequence for our country and the planet.

I urge his swift confirmation by the Foreign Relations Committee and by the United States Senate.

I thank you, Madam Chair.

Senator SHAHEEN. Thank you very much, Senator Markey.

I understand that Senator Schumer is only a few minutes away. So with your indulgence, I would like to introduce Dr. Bruce Turner, and then we will start testimony from Dr. Turner, headed towards Ambassador Hartley, and hope that before we get too far along Senator Schumer will be here.

And, Senator Markey, I know that you may have to leave and feel free to do that whenever you are ready.

Senator MARKEY. I thank you. Thank you, Madam Chair.

Senator SHAHEEN. Dr. Bruce Turner has been nominated to be U.S. Representative to the Conference on Disarmament. Dr. Turner has a distinguished record of service with the Department of State that will enhance U.S. presence at the Conference on Disarmament, which is a crucial body supporting arms control and disarmament, and, as we know, these issues are even more pressing

right now, given the new threats to democratic security around the world, including from Russia, China, and North Korea.

All of these appointments today come in a moment, an important moment, for global security as the U.S. faces new threats from our adversaries, including Russia.

So while we continue to await Senator Schumer, I will ask Dr. Turner if you would like to begin your testimony.

Thank you.

STATEMENT OF DR. BRUCE I. TURNER OF COLORADO, NOMINATED TO BE U.S. REPRESENTATIVE TO THE CONFERENCE ON DISARMAMENT IN GENEVA, WITH THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE

Mr. TURNER. Thank you, Madam Chair, Ranking Member Johnson, and distinguished members of the committee.

It is the honor of a lifetime to appear before you as the President's nominee to be the U.S. Permanent Representative for the Conference on Disarmament, or CD, in Geneva. I am also grateful to Secretary Blinken and Under Secretary Jenkins for their support of this new opportunity for me to serve the American people.

My parents understood what it meant to serve our country during World War II. Likewise, my wife, Veronique, has been at my side every step of our State Department journey and our two children grew up in the Foreign Service family. Diplomacy has been my life's work and I cannot think of anything I would rather have done.

In seeking confirmation for this position, I am acutely aware of the CD's illustrious history in producing the Nuclear Non-Proliferation Treaty, the Biological Weapons Convention, the Chemical Weapons Convention, and the Comprehensive Nuclear Test Ban Treaty.

I am also aware that we have failed to gain the support of critical countries for negotiations on a fissile material cut-off treaty, the next logical step. Moreover, some of the arms control treaties negotiated in the CD are, effectively, under assault.

Most recently, Russia, a state's party that has used chemical weapons and that has an offensive program, is making unfounded accusations that Ukraine plans to use chemical weapons in Russia's unprovoked war against Ukraine.

Russia's nuclear rhetoric and threats in connection with its invasion of Ukraine are also recklessly escalatory and hard to reconcile with President Putin's endorsement of the statement in January by the leaders of the P5—the five nuclear weapon states that are permanent members of the U.N. Security Council—that a nuclear war cannot be won and must never be fought.

Growing strategic competition, encompassing Russia's history of arms control violations, and China's repeated unwillingness to engage meaningfully in arms control discussions as it builds up its own nuclear forces has caused some to question the value of such agreements. It is true that achieving consensus on such matters has become increasingly elusive and difficult.

Russia's most recent actions and the PRC's tacit and, in some cases, overt support for them have rendered the challenge even

more daunting. These developments only underscore the continuing need for American engagement and leadership.

Given the stakes, we can only redouble our efforts as we continue to protect our security and that of our allies and partners. Russia is still complying with the New START Treaty. Through the P5, the PRC acknowledged the need for engagement with the United States on risk reduction and a dialogue to strengthen stability.

I believe the coming year does offer further opportunities to exert U.S. leadership. If confirmed, I would hope to contribute to a positive outcome of the Nuclear Non-Proliferation Treaty Review Conference later this year.

Non-proliferation remains a core national security interest. It is the key to peaceful uses of nuclear energy and the basis for pursuing the eventual goal of a world without nuclear weapons, understanding that progress must take into account today's challenging security conditions and that it can only proceed through progressive steps subject to effective verification.

If confirmed, I will also seek to contribute to our successful efforts in the U.N. General Assembly's First Committee to reinforce and strengthen international arms control and non-proliferation cooperation, including increased international support for development of norms of behavior in space.

The United States is already leading the way through Vice President Harris' announcement of a commitment not to conduct destructive direct ascent anti-satellite missile tests.

I would also seek to build upon the Geneva diplomatic platform offered by the Standing Delegation to the CD, which has supported a variety of arms control and international security efforts to include those of Deputy Secretary Sherman and Under Secretary Jenkins in the U.S.-Russia Strategic Stability Dialogue.

The Senate Foreign Relations Committee has a distinguished and successful history of supporting arms control efforts on a bipartisan basis. If confirmed, I commit to be available to consult closely with this committee and other members of Congress as well as their staffs.

In working to achieve our long-term nuclear disarmament and other arms control objectives, I believe the CD remains an essential multilateral institution. If confirmed, I will do all that I can to make the CD an active contributor to international peace and security while always protecting the security interests of the United States and its allies and partners.

Thank you, again, so much for the opportunity to come before you today. I look forward to any questions you may have.

Thank you, Madam Chair.

[The prepared statement of Mr. Turner follows:]

PREPARED STATEMENT OF DR. BRUCE I. TURNER

Thank you, Madam Chair and members of the committee.

It is the honor of a lifetime to appear before you as the President's nominee to be the U.S. Permanent Representative to the Conference on Disarmament, or CD, in Geneva. I am also grateful to Secretary Blinken and Under Secretary Jenkins for their support of this new opportunity to serve the American people.

My parents understood what it meant to serve our country during World War II.

Similarly, my wife Veronique has been at my side every step of our State Department journey, and our children, Hadrien and Alixe, grew up in the Foreign Service family.

In seeking confirmation for this position, I am acutely aware of the CD's illustrious history in producing the Nuclear Non-Proliferation Treaty, the Biological Weapons Convention, the Chemical Weapons Convention, and the Comprehensive Nuclear-Test-Ban Treaty. I am also aware that we have failed to gain the support of critical countries for negotiations on a Fissile Material Cutoff Treaty—the next logical step. Unfortunately, some of the arms control treaties negotiated in the CD are effectively under assault. Most recently, Russia—a States Party that has used chemical weapons and has an offensive program—is making unfounded accusations that Ukraine plans to use chemical weapons in Russia's unprovoked war against Ukraine. Russia's nuclear rhetoric in connection with its invasion of Ukraine is recklessly escalatory and hard to reconcile with President Putin's endorsement of the statement by the leaders of the P5—the five nuclear-weapon states that are permanent members of the U.N. Security Council—in January that "a nuclear war cannot be won and must never be fought."

Growing strategic competition—encompassing Russia's history of arms control violations and China's repeated unwillingness to engage meaningfully in arms control discussions as it builds up its nuclear forces—has caused some to question the value of such agreements. Russia's most recent actions and the PRC's tacit, and, in some cases, overt support for them, have rendered the challenge even more daunting. These developments only underscore the continuing need for American engagement and leadership.

Given the stakes, we can only redouble our efforts, as we continue to protect our security and that of our allies and partners. Russia is still complying with the New START Treaty. Through the P5, the PRC acknowledged the need for engagement with the United States on risk reduction and a dialogue to strengthen stability.

I believe the coming year does offer further opportunities to exert U.S. leadership. If confirmed, I would hope to contribute to a positive outcome of the Nuclear Nonproliferation Treaty (NPT) Review Conference later this year. Nonproliferation remains a core national security interest. It is the key to pursuing the eventual goal of a world without nuclear weapons, understanding that progress must take into account today's challenging security conditions, and that it can only proceed through progressive steps, subject to effective verification.

If confirmed, I will also seek to contribute to our successful efforts in the U.N. General Assembly's First Committee to reinforce and strengthen international arms control and nonproliferation cooperation, including increased international support for development of norms of behavior in space. The United States is already leading the way through its ban on anti-satellite testing.

I would also seek to build upon the Geneva diplomatic platform offered by the standing delegation to the CD, which has supported a variety of arms control and international security efforts, to include those of Deputy Secretary Sherman and Under Secretary Jenkins in the U.S.-Russia Strategic Stability Dialogue.

The Senate Foreign Relations Committee has a distinguished and successful history of supporting arms control efforts, on a bipartisan basis. If confirmed, I commit to be available to consult closely with this committee and other Members of Congress, as well as their staffs.

In working to achieve our long-term nuclear disarmament and other arms control objectives, I believe the CD remains an essential multilateral institution. If confirmed, I will do all that I can to make the CD an active contributor to international peace and security, while always protecting the security interests of the United States and its allies and partners.

Thank you so much for the opportunity to come before you today. I look forward to any questions you may have.

Thank you.

Senator SHAHEEN. Thank you very much, Dr. Turner.

Senator Schumer, we have been waiting for you. We are delighted you made it.

STATEMENT OF HON. CHARLES E. SCHUMER, U.S. SENATOR FROM NEW YORK

Senator SCHUMER. Thank you very much, Madam Chair, and to all the members of the committee, thank you for the honor of introducing two exceptional nominees, both whip smart, both accom-

plished, both experienced women who hail from New York—Jane Hartley to be Ambassador to the United Kingdom of Great Britain and Northern Ireland, and Connie Milstein, our next Ambassador to Malta. It is an honor to introduce both of you.

Jane is here today with her husband, Ralph, who I hear is having his retirement party today. Congratulations, Ralph, on all of your hard work. Jane's children, Kate and Jamie, who actually went to school with my daughter, Allison, could not be here today but I am sure they are cheering their mother on from home.

I am really proud to have urged President Biden to nominate Jane Hartley as our Ambassador to the UK. She would be only the second woman to ever serve as UK Ambassador and the first in nearly half a century.

Only the second woman ever to serve as the UK Ambassador and the first in nearly half a century. It is amazing, and I cannot think of a more qualified person to do it than my friend, Jane Hartley.

This is not the first ambassadorship that Jane would hold. In 2014, she was appointed U.S. Ambassador to France under President Obama, where her time coincided with the horrible Paris terrorist attacks of 2015. It was an extremely difficult period for both of our countries, and Jane represented the U.S. with great distinction.

In the aftermath of these attacks, she dedicated her time as Ambassador to strengthening U.S.-French counterterrorism cooperation and was awarded the Legion of Honor from the president of France in the recognition of her efforts.

Jane has served our country in other ways for decades, in the Carter administration as CEO of the G–7 Group, and most recently, as CEO of the Observatory Group, a major global firm based in New York.

The bottom line is this. She would bring to this ambassadorship a depth of experience, a love of democracy and democratic institutions, and a deep loyalty to the values both the United States and the UK hold dear.

I cannot think of a better person—I have known Jane for decades—to be Ambassador to our longtime ally, the United Kingdom.

It is also my honor to introduce another proud New Yorker, Connie Milstein, whom President Biden has nominated to be the next U.S. Ambassador to Malta. Connie is joined here by her husband, Said, and even though they are not in attendance, I want to acknowledge Connie's daughters, Abby and Joanna, as well as her wonderful granddaughter, Sara. I know they are all proud today.

Connie comes from a longtime New York family. Her grandfather was the founder of a successful business in New York prior to World War II, and her father, a World War II vet, started his first company in Newbury, New York. Their roots in the Empire State run very deep.

Connie comes before this committee as a deeply experienced attorney, businesswoman, and advocate for international affairs. She will make an exceptional U.S. Ambassador because her career has been completely focused on the skills and values necessary to any diplomatic post.

Among her experiences, she has dedicated her career to looking out for veterans, creating successful profits like the Dog Tag Bak-

ery to help veterans with disabilities, served on the Global Progress Initiative at the Center for American Progress meeting with world leaders to discuss today's pressing geopolitical problems, and also served on the board of trustees of one of the great universities of New York and America, NYU, and she expanded the university's global reach.

She also served on Nobel Peace Laureate Kailash Satyarthi's foundation and worked with him to end childhood slavery and trafficking.

In short, Connie is both a proud New Yorker but also a true citizen of the world. She brings a wide range of depth and experience to the post and I know she will carry out her responsibilities with distinction, and I am proud to introduce her today.

Finally, I want to acknowledge two other individuals who are coming before the committee. The first is Alan Leventhal, who I have known for a very long time. I notice Senator Markey was here.

He has been nominated to serve as U.S. Ambassador to the Kingdom of Denmark and he is one of Boston's top business people.

And, second, I also want to recognize Bruce Turner, who you just heard from, a longtime member of the Foreign Service Committee—Foreign Service, rather, who has been nominated as representative to the Conference on Disarmament. They will both represent the U.S. with distinction.

I thank the members of the committee, congratulate all of today's outstanding public servants for their nominations, and yield back the rest of my time.

Senator SHAHEEN. Thank you very much, Senator Schumer, and we know you have to get to the floor. So feel free to leave whenever you are ready.

And I am going to continue down the dais if that is all right with our nominees and ask Mr. Leventhal if he would like to offer his testimony after he says hello to Senator Schumer, although, Senator Schumer, you cannot claim Mr. Leventhal. I know he is from Boston.

Senator SCHUMER. Right. I cannot claim him. You are right.

Senator SHAHEEN. He is closer to me.

Senator SCHUMER. He is probably even a Red Sox fan.

[Laughter.]

Senator SHAHEEN. Go ahead, Mr. Leventhal, and I should have said this before you offered your testimony, Dr. Turner. Feel free to introduce any family members or friends that you have here with you today.

STATEMENT OF ALAN M. LEVENTHAL OF MASSACHUSETTS, NOMINATED TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF DENMARK

Mr. LEVENTHAL. Chairwoman Shaheen, Ranking Member Johnson, and distinguished members of the committee, it is a privilege to appear before you.

I am honored to be the nominee for U.S. Ambassador to the Kingdom of Denmark, and I thank President Biden and Secretary Blinken for their confidence in me.

I would like to acknowledge my wife, Sherry, who has been such a source of strength and has supported me in all my endeavors, and I would also like to acknowledge my son, Alex, who is here representing his sisters and brothers.

I would like to remember my parents, who instilled in me the importance of service to community and country. This has led me to leadership roles in organizations that have had meaningful impact on the world.

As Senator Markey mentioned in his introduction, I served for 10 years as chair of Damon Runyon Cancer Research Foundation, which is known as the venture capital of cancer research. Thirteen of the individuals we funded later won the Nobel Prize.

I am a member of the governing board of MIT, one of the top-rated research institutions in the world. Its mission is to help solve the great global challenges including climate, health, cancer, water.

In my business, I have led transformational developments to improve the urban environment. My companies have created thousands of affordable housing units for working families.

In each of these endeavors, I have worked with smart people who bring diverse views, backgrounds, and experiences. I approach each challenge by listening and treating my colleagues with dignity and respect.

If confirmed, I hope to use these skills to successfully advance U.S. interests and values in the Kingdom of Denmark.

If confirmed, my first priority would be to ensure the safety and security of U.S. citizens in the Kingdom of Denmark. My second priority will be to advance our shared security interests, especially in light of Russia's brutal and unprovoked war against Ukraine.

As the only country that is a member of NATO, the EU, and the Arctic Council, Denmark partners with the United States on many issues. Denmark currently leads the NATO mission in Iraq and is a close global partner on security issues.

If confirmed, I will work to ensure Denmark's commitment to stability and security as well as meeting its NATO defense spending commitments.

My third priority is to strengthen our economic relationships, promoting bilateral exports and recovery from COVID–19, as well as expanding Danish investment in the United States in order to create good-paying jobs for working families.

Denmark has some of the world's leading companies working on global issues like climate change. My own company, Beacon Capital Partners, has been a leader in sustainability, receiving EPA's Energy Star Partner of the Year award for 11 consecutive years.

If confirmed, I would draw on my experiences to promote mutual exchanges and investment between the United States and the Kingdom of Denmark, including the Faroe Islands and Greenland.

My final priority, if confirmed, will be to promote and strengthen the ties of our best academic and research institutions with their counterparts in the kingdom.

Denmark's renowned research institutions recently marked the 100th anniversary of both the founding of the Niels Bohr Institute and the awarding of the Nobel Prize in physics to Niels Bohr.

To ensure our relations are as strong in the future as they are today, I would engage with the people of Denmark, the Faroe Is-

lands, and Greenland to expand people-to-people ties through exchange programs and robust public diplomacy efforts.

If confirmed, I look forward to supporting the safety and morale of mission Kingdom of Denmark, both at the Embassy in Copenhagen and our consulate in Nuuk. I also look forward to working with Congress to further U.S. priorities in the Kingdom of Denmark, one of our closest European allies.

I would like to highlight that today, at this very moment, the people of Denmark are lighting candles in their windows at home for today marks Denmark's liberation from Nazi occupation on May 4th, 1945.

It underscores that Danes have experienced brutal, unprovoked aggression. It underscores they have experienced occupation and it speaks to how much they value their freedom. It is fitting that President Zelensky chose today to address Denmark.

It would be the greatest honor to represent my country to the Kingdom of Denmark. Thank you for your time and consideration.

I look forward to your questions.

[The prepared statement of Mr. Leventhal follows:]

PREPARED STATEMENT OF ALAN M. LEVENTHAL

Chairwoman Shaheen, Ranking Member, and distinguished members of the committee, it is a privilege to appear before you. I am honored to be the nominee for U.S. Ambassador to the Kingdom of Denmark, and I thank President Biden and Secretary Blinken for their confidence in me.

I would first like to acknowledge my wife, Sherry, who has been such a source of strength and has supported me in all my endeavors. I also want to acknowledge my son Alexander who is representing his sisters and brothers today. I also would like to remember my parents who instilled in me the importance of service to community and country.

This has led me to leadership roles in organizations that have meaningful impact on the world. I served for 10 years as Chair of Damon Runyon Cancer Research Foundation—which is known as the venture capital of Cancer Research. Thirteen of the individuals we funded later won the Nobel Prize. I am a member of the governing board of MIT—one of the top-rated research institutions in the world. MIT's mission is to help solve the great global challenges including climate and health. In my business I have led transformational developments to improve the urban environment. My companies have created thousands of affordable housing units for working families.

In each of these endeavors I have worked with smart people who bring diverse views, backgrounds, and experiences. I approach each challenge by listening and treating my colleagues with dignity and respect. If confirmed, I hope to use these skills to successfully advance U.S. interests and values in the Kingdom of Denmark. If confirmed, my first priority would be to ensure the safety and security of U.S. citizens in the Kingdom of Denmark.

My second priority will be to advance our shared security interests, especially in light of Russia's brutal and unprovoked war against Ukraine. As the only country that is a member of NATO, the EU, and the Arctic Council, Denmark partners with the United States on many issues. Denmark currently leads the NATO mission in Iraq and is a close global partner on security issues. If confirmed, I will work to ensure Denmark's commitment to stability and security, as well as meeting its NATO defense spending commitments.

My third priority is to strengthen our economic relationships, promoting bilateral exports and recovery from COVID–19 and expanding Danish investment in the United States, in order to create good paying jobs for working families. Denmark has some of the world's leading companies working on global issues like climate change. My own company—Beacon Capital Partners—has been a leader in sustainability, receiving EPA's Energy Star Partner of the Year Award for 11 consecutive years. If confirmed, I would draw on my experiences to promote mutual exchanges and investment between the United States and the Kingdom of Denmark, including the Faroe Islands and Greenland.

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If confirmed, I look forward to supporting the safety and morale of staff at the Embassy in Copenhagen and our Consulate in Nuuk. I also look forward to working with Congress to further U.S. priorities in the Kingdom of Denmark, one of our closest European partners.

We are stronger when working with our allies to advance our shared security, prosperity, and values.

It would be the greatest honor to represent my country to the Kingdom of Denmark. Thank you for your time and consideration. I look forward to your questions.

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

I will now ask Ms. Milstein if she would like to give her testimony.

STATEMENT OF CONSTANCE J. MILSTEIN OF NEW YORK, NOMINATED TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALTA

Ms. MILSTEIN. Thank you, Madam Chair.

Madam Chair, Ranking Member, distinguished senators of this esteemed committee, I am humbled and honored to appear before you today. I am deeply grateful to the president, Dr. Biden, and Secretary Blinken for the confidence they have placed in me to serve as the United States Ambassador to the Republic of Malta.

I would like to acknowledge my husband, Saïd Abu-Kaud, my children, Abby and Joanna, their husbands, Rick and Bjorn, and my granddaughter, Sara, who have all shown me unwavering love, support, and patience in my endeavor to follow my lifelong dream to serve our country and to continue my passionate advocacy for fairness, justice, and democracy.

I would also like to remember my parents, Seymour and Vivian, who taught me the values of respect, responsibility, and giving. Their service to others was an inspiration to me to lead a life of purpose.

My father was a proud veteran of World War II who returned to the United States in 1945 on a hospital plane. Everyone on that plane signed a dollar bill, which my dad carried in his wallet until he died.

I, too, am proud to have had opportunities for service. For decades, I have worked on programs and initiatives dedicated to military service members, disabled veterans, their families, and caregivers.

I have always maintained a strong interest in foreign affairs and I have been active in public policy and global education. My varied experiences as an attorney and businesswoman will empower me to steward our important relationship with the Republic of Malta.

Three priorities will guide my work. First, promoting peace and security. If confirmed, my top priority will be to ensure the safety and welfare of U.S. citizens living in or traveling in Malta.

Furthermore, I will prioritize the promotion of peace, security, and regional stability. Malta may be the smallest country in the

European Union but it has great strategic importance based on its location adjacent to the Mediterranean Sea's principal shipping routes and at the crossroads of Europe, North Africa, and the Middle East.

I believe in growing the bilateral partnership between our two nations as we come together to face regional security challenges, transnational crime, and illicit financing.

Promoting peace and security in the region also means encouraging inclusiveness, the protection of human rights, the rule of law, and fundamental freedoms.

Second, promoting prosperity, trade, and people-to-people ties. If confirmed, I will increase U.S. and Maltese economic ties. Malta aspires to lead small island nations in sustainable development.

Therefore, I will capitalize on our shared goals of promoting prosperity, trade, and people-to-people ties through U.S. innovation and commercial interests in Malta.

Third, tackling corruption and impunity. The assassination of Daphne Caruana Galizia, an important Maltese investigative journalist, in October of 2017 showed the danger of corruption in Maltese politics and society.

If confirmed, I will champion rule of law efforts and an open and free press. Rule of law reforms regarding anti-money laundering and countering the financing of terrorism are also critical to Malta's efforts to fully implement the Financial Action Task Force action plan to remove Malta as a jurisdiction for increased monitoring.

In order to fully implement these reforms, Malta will need a stronger financial regulatory environment, which will serve to strengthen and benefit Malta's economic institutions and reputation for the future.

If confirmed, I would work with Malta to make these reforms sustainable for the long term. It would be an honor to be a member of the outstanding Embassy Valletta team and, if confirmed, I am committed to working with the members of this committee.

Thank you for this opportunity to appear before you. I am happy to answer your questions.

[The prepared statement of Ms. Milstein follows:]

PREPARED STATEMENT OF CONSTANCE J. MILSTEIN.

Madam Chair, Ranking Member, and distinguished Senators of this esteemed committee, I am humbled and honored to appear before you today. I am deeply grateful to the President, Dr. Biden, and Secretary Blinken for the confidence they have placed in me to serve as the United States Ambassador to the Republic of Malta.

I would like to acknowledge my husband Saïd Abu-Kaud, my children Abby and Joanna, their husbands Rick and Bjorn, and my granddaughter Sara, who have all shown me unwavering love, support, and patience in my endeavor to follow my lifelong dream to serve our country, and continue my passionate advocacy for fairness, justice, and democracy. I would also like to remember my parents Seymour and Vivian who taught me the values of respect, responsibility, and giving. Their service to others was an inspiration to me to lead a life of purpose.

My father was a proud veteran of WWII who returned to the United States in 1945 on a hospital plane. Everyone on that plane signed a dollar bill, which my dad carried in his wallet until he died. I too am proud to have had opportunities for service. For decades, I have worked on programs and initiatives dedicated to military service members, disabled veterans, their families, and caregivers.

I have always maintained a strong interest in foreign affairs, and I have been active in public policy and global education. My varied experiences as an attorney and businesswoman will empower me to steward our important relationship with the Republic of Malta. Three priorities will guide my work:

First, promoting peace and security. If confirmed, my top priority will be to ensure the safety and welfare of U.S. citizens living in or traveling in Malta. Furthermore, I will prioritize the promotion of peace, security, and regional stability. Malta may be the smallest country in the European Union, but it has great strategic importance based on its location adjacent to the Mediterranean Sea's principal shipping routes and at the crossroads of Europe, North Africa, and the Middle East. I believe in growing the bilateral partnership between our two nations as we come together to face regional security challenges, transnational crime, and illicit financing.

Promoting peace and security in this region also means encouraging inclusiveness, protection of human rights, the rule of law, and fundamental freedoms.

Second, promoting prosperity, trade, and people-to-people ties. If confirmed, I will increase U.S. and Maltese economic ties. Malta aspires to lead small island nations in sustainable development. Therefore, I will capitalize on our shared goals of promoting prosperity, trade, and people-to-people ties through U.S. innovation and commercial interests in Malta.

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If confirmed, I would work with Malta to make these reforms sustainable for the long term.

It would be an honor to be a member of the outstanding Embassy Valletta team, and if confirmed, I am committed to working with the members of this committee.

Thank you for this opportunity to appear before you. I am happy to answer your questions.

Senator SHAHEEN. Thanks very much, Ms. Milstein. Ambassador Hartley?

STATEMENT OF HON. JANE D, HARTLEY OF NEW YORK, NOMINATED TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Ambassador HARTLEY. Madam Chair, Ranking Member, and distinguished members of the committee, it is a privilege to appear before you.

I am honored to be the nominee for the U.S. Ambassador to the United Kingdom of Great Britain and Northern Ireland, and I thank President Biden for his confidence in me.

The sense of history with our closest ally is, certainly, not lost on me. I follow in the footsteps of many great Americans, including John Adams, John Quincy Adams, and Martin Van Buren.

I am also thrilled, as Senator Schumer has just said, to be the second woman in history to be nominated to this role, and I salute Anne Armstrong for leading the way.

First, though, I would like to thank my family—my children, who are the light of my life—Chuck mentioned earlier—Kate and Jamie. Whatever I do in life, my most important title will always be mom. And, of course, my husband who is with me today, and partner of 39 years without whose support none of this would be possible.

My parents taught me that we were lucky to live in the greatest country on Earth and that the highest honor was to serve our nation. From my early life, I have believed this strongly and public service has been very important to me.

My time as Ambassador to France coincided with the terrible surge in terrorism that shook our two nations. The extraordinary staff at Embassy Paris performed their duties with grace and strength in the face of terror and loss.

It emphasized to me that dedicated American and local staff of our overseas missions and everywhere in our Government advance our interests and protect our security every single day. It was another reminder how critical public service is to our nation.

The UK and the United States are two great countries bound by history, friendship, and especially now a shared commitment to the universal values of freedom and liberty.

During the ongoing crisis in Ukraine we have seen the strength of the UK response and the many ways also in which the British public has volunteered in support of Ukrainians.

If confirmed, it will be my mission to strengthen America's special relationship with the UK and I hope to focus on four overarching goals.

First, protect Americans and deepen bilateral security cooperation. My top priority will be the safety and security of Americans. As the recent events in Europe have made very clear—crystal clear, frankly—we have no more capable partner in defending against threats to international security than the UK.

If confirmed, I will build on these decades of close bilateral security cooperation. I will also work tirelessly to uphold the Belfast Good Friday Agreement, which has been the bedrock of peace and stability and prosperity in Northern Ireland for 25 years.

Second, I will broaden economic ties and expand technology and innovation and collaboration. If confirmed, I will focus on reinvigorating bilateral trade, broadening job opportunities for American workers, and addressing the climate crisis. Increasing collaboration supports prosperity for both the United States and the United Kingdom.

Third, I will promote and defend our shared values of democracy and freedom. If confirmed, I will seek to strengthen bilateral cooperation, to rebuild public faith in democracy, combat authoritarianism wherever it may be, and ensure that our liberty is never ever taken for granted.

Fourth, I will capitalize on the strong ties between our people to guarantee the strength of our enduring alliance. To deepen connections between our people, I will encourage exchanges between our two peoples and ensure citizens from across the United Kingdom, particularly young people, are exposed to the full diversity of our country.

None of this is possible without the dedicated and extraordinary talented teams and their family at Embassy London and at our consulates in Hamilton, Edinburgh, and Belfast.

I intend to build on their successes, promote American interest, and advance our shared goals together with our closest ally, the United Kingdom.

It is my honor to be considered to represent the United States as Ambassador to the United Kingdom of Great Britain and Northern Ireland. I look forward to partnering with Congress to further priorities in the UK.

And now I would be happy to answer any questions.

[The prepared statement of Ambassador Hartley follows:]

PREPARED STATEMENT OF HON. JANE D. HARTLEY

Madam Chair, Ranking Member, and distinguished members of the committee, it is a privilege to appear before you. I am honored to be the nominee for U.S. Ambassador to the United Kingdom of Great Britain and Northern Ireland, and I thank President Biden for his confidence in me.

The sense of history with our closest ally is certainly not lost on me. I follow in the footsteps of many great Americans including John Adams, John Quincy Adams, and Martin Van Buren. I am also thrilled to be the second woman in history to be nominated to this role, and salute Anne Armstrong for leading the way.

I would like to thank my family. First my children, who are the light of my life. My most important title will always be "Mom." And of course, my husband and partner of 39 years, without whose support none of this would be possible. My parents taught me that we were lucky to live in the greatest country on earth, and that the highest honor was to serve your nation.

From my early life, public service has always been important to me.

My time as Ambassador to France coincided with a terrible surge in terrorism that shook our two nations, but the extraordinary staff at Embassy Paris performed their duties with grace and strength in the face of terror and loss. It emphasized to me the dedicated American and local staff of our overseas missions—and in our Government—advance our interests and protect our security every day. It was another reminder of how critical public service is to our nation.

The UK and the United States are two great countries bound by history, friendship, and especially now, a shared commitment to the universal values of freedom and liberty. During the ongoing crisis in Ukraine, we have seen the strength of the UK response and the many ways in which the British public has volunteered in support of Ukrainians.

If confirmed, it will be my mission to strengthen America's special relationship with the UK, and I hope to focus on four overarching goals.

First, protect Americans and deepen bilateral security cooperation. My top priority will be the safety and security of Americans. As recent events in Europe have made clear, we have no more capable partner in defending against threats to international security than the UK. If confirmed, I will build on these decades of close bilateral security cooperation. I will also work tirelessly to uphold the Belfast/Good Friday Agreement, which has been the bedrock of peace, stability, and prosperity in Northern Ireland for nearly 25 years.

Second, broaden economic ties and expand technology and innovation collaboration. If confirmed, I will focus on reinvigorating bilateral trade, broadening job opportunities for American workers, and addressing the climate crisis. Increasing collaboration supports prosperity for both the United States and the UK.

Third, promote and defend our shared values of democracy and freedom. If confirmed, I will seek to strengthen bilateral cooperation to rebuild public faith in democracy, combat authoritarianism, and ensure our liberty is never taken for granted.

Fourth, capitalize on the strong ties between our people to guarantee the strength of our enduring alliance. To deepen connections between our people, I will encourage exchanges between our two peoples and ensure citizens from across the United Kingdom, particularly young people, are exposed to the full diversity of our country.

None of this is possible without the dedicated and extraordinarily talented teams and their families at Embassy London, and at our Consulates in Hamilton, Edinburgh, and Belfast. I intend to build on their successes, promote American interests, and advance our shared goals together with our ally, the United Kingdom.

It is my honor to be considered to represent the United States as Ambassador to the United Kingdom of Great Britain and Northern Ireland. I look forward to partnering with Congress to further U.S. priorities in the UK and would be happy to answer your questions.

Senator SHAHEEN. Thank you very much, Ambassador Hartley, and thank you to each of you for your testimony and for your willingness to serve the country at this critical time.

We have lost Senator Johnson to another committee but Senator Barrasso will be coming back shortly to—on the side of the ranking member, and we will have five-minute questioning rounds. I will begin and we will alternate between Republican and Democrat on the committee.

I would like to ask each of the ambassadorial nominees about an issue that I have been following closely and am very concerned about.

I am sure you have all seen the reports of directed energy attacks that have affected our Government employees around the world, and I want to be clear that each of you are sufficiently prepared to respond accordingly should anything happen in the Embassy that you would be representing.

I understand that the State Department includes a briefing on this as part of the ambassadorial seminar that you are required to attend. But can I ask each of you, if confirmed, will you commit to attending that seminar on AHIs and seek a classified briefing with the State Department?

Ambassador Hartley?

Ambassador HARTLEY. Yes, I will, and I already did attend that seminar and will be seeking a classified briefing, and London is very important because there is a huge medical facility at the Embassy.

So I want to make sure we are totally informed of everything that has happened and I promise you I will have the briefings and I take this issue very seriously.

Senator SHAHEEN. Thank you very much.

Ms. Milstein?

Ms. MILSTEIN. Yes, Senator. I also have taken the course and have learned about the AHI situation. I know at the Embassy in Valletta there have been no cases, at least not so far. But I take this matter very seriously.

Senator SHAHEEN. Thank you. And Mr. Leventhal?

Mr. LEVENTHAL. Senator Shaheen, I understand the seriousness of the issue. I am committed to taking the course and, if I am confirmed, to work diligently and if I become aware of an issue to notice people in the appropriate channels and deal medically with the issue to the best extent possible.

Senator SHAHEEN. Thank you very much.

And, Dr. Turner, I assume as a career member of the Foreign Service you are very aware of this issue?

Mr. TURNER. Indeed, I am. I am very aware of it and it occurred in a couple of the posts that I was dealing with very closely while I was still in the State Department and including the city to which I may be assigned. So very aware of this issue. Thank you.

Senator SHAHEEN. Thank you.

Ambassador Hartley, I would like to begin my questions with you—general questions—and you pointed out some of the notable Americans who have preceded you as Ambassador to the United Kingdom.

I would just point out that there is a very close tie with the state of New Hampshire because former New Hampshire Governor John Winant served as Ambassador to the United Kingdom during most of World War II and is very decorated, somebody most Americans do not know a lot about—Governor Winant.

But he was a Republican who was nominated by President Roosevelt and served very honorably as Ambassador. So we know you will follow in his footsteps.

You talked a little bit about the challenges of the war in Ukraine and what a great ally the United Kingdom has been, of course, not just in this war but throughout so much of American history.

One of the challenges that I have heard from some representatives of Great Britain are the overseas territories that have in the past been havens for corruption and for Russian money.

Can you talk about what priorities we might initiate and how we can engage Great Britain to look at those overseas territories and see how we can cooperate more closely on those as we are looking at how do we hold oligarchs and those responsible for the war in Ukraine accountable?

Ambassador HARTLEY. Senator Shaheen, I should tell you Governor Winant was in my testimony. He is a role model for me. And, unfortunately, the State Department thought it was too long so he was eliminated. But——

Senator SHAHEEN. They should never eliminate Governor Winant when I am chairing the hearing.

[Laughter.]

Ambassador HARTLEY. I know. I should tell them that.

Listen, I think your question is very important. I have been very impressed with what the UK has been doing since the Ukraine situation, invasion, war.

I think they have been leaning forward tremendously in terms of sanctions on individuals and on institutions. I think at this point they have sanctioned approximately 1,500.

They have also—there is a piece of legislation that I think has just made its way through Parliament kind of talking about one of the things you are mentioning, which is—it is called dirty money. That is not the official title. But they are looking to get at investment, especially in shell companies in the United Kingdom and for the first time, really, to try to both sanction and open up the books.

I think both in terms of territories and in terms of what is happening in London right now, I think this is something that is a huge priority for the Government and I salute them for how aggressively they are pursuing this.

Senator SHAHEEN. Thank you. My time is up.

Senator Kaine?

Senator KAINE. Thank you, Madam Chair, and how delightful to see all of you here. I am very, very, very happy to be at this hearing with you and I congratulate you on your nominations.

Ambassador Hartley, let me begin with you. On May 5, voters go to the polls in Northern Ireland to elect the Assembly. Sinn Fein is the former political wing of the Irish Republican Army and they are projected to become the biggest political bloc in the Assembly, which would be the first time a party devoted to unification of Ire-

land would be the dominant political party in that fractious—often fractious region.

Uniting Ireland is not on the ballot but the potential historic shift comes 24 years after the Good Friday Accord ended three decades of sectarian bloodshed.

Even though Brexit has exacerbated some of the political and economic challenges within Northern Ireland, the UK and Ireland remain very, very committed to the continued functioning and implementation of the Good Friday Accord.

Should you be confirmed, what might you do to make sure that this accord, which the U.S. also invested such significant diplomacy to achieve, would continue to move forward in a harmonious way?

Ambassador HARTLEY. Senator, I totally agree with you. I think the most important thing is to make sure the Good Friday Belfast Agreement stands. It has created peace and prosperity and stability in Northern Ireland for approximately 25 years.

I think the Congress and President Biden has made that clear, and if confirmed as Ambassador, I would continue to not only make it clear but make sure both the UK and Northern Ireland knew—the Government in Northern Ireland knew this was a priority for us.

I will say also there has been an executive where there has been a power-sharing arrangement in Northern Ireland and, frankly, that has worked quite well and that is part of what has helped bring both economic prosperity and stability to the Government there.

I would hope, depending on what happens in the elections this week, both parties continue to talk to each other because it really has worked quite well for the people of Northern Ireland.

Senator KAINE. It is very important. I will admit some bias. Seven of my eight great grandparents were born in Ireland and the eighth was born in Scotland to an Irish mother and so I am about as Irish as it gets.

The Good Friday Accord is not only important in bringing peace to that region but we cite it all the time as reason not to be pessimistic about other regions that have not yet found the path to peace.

If it can be done in Ireland and Northern Ireland it can be done, and so there is a lot of reason to make sure that we continue to put our shoulder to forward progress.

Ms. Milstein, really good to see you and I wanted to ask you a question about the topic of the day that is important all around the world, including in Malta.

Golden passports, formerly known as citizenship by investment, are programs that grant citizenship to foreign investors who buy expensive real estate or other assets and make sizable investments in countries.

Thousands of those passports have gone to Russia's elite in recent years, including many well-known oligarchs, amid concerns that the program enables money laundering and other financial schemes.

Malta has been under some pressure from the EU and they have put its golden passport scheme on hold for Russians and Belarusians and they are considering ending it altogether.

Obviously, that is domestic politics for Malta. According to Forbes, more than 40 percent of the 111 Russian-born billionaires have at least one other passport and nearly half of the 35 sanctioned billionaires have dual citizenship.

How can the U.S. work with Malta to place additional pressure on Russian oligarchs and Putin's allies?

Ms. MILSTEIN. Thank you, Senator Kaine, for that question. It is, indeed, a problem in Malta and the Maltese Government is aware of this situation.

As you mentioned, they have upped their vetting process of applicants, particularly since the situation with Russia has increased in seriousness.

The Russians and the—I know of two instances where, as you mentioned, the residency of a Russian national as well as a Belarusian national they were both pulled, and if confirmed, I will work with Malta on rigorously vetting applicants to prevent any loopholes and eroding any kind of sanctions and restrictions.

Senator KAINE. Thank you for that, Ms. Milstein.

One other thing I will just say to you is that Malta has been a pretty valuable partner in dealing with refugees. Often refugees coming through the Mediterranean have needed to come to Malta for safe haven and Malta has been—Malta and many NGOs in Malta have been really helpful in dealing with some of these significant humanitarian challenges and I would hope, if you are confirmed, you will do what you can from the U.S. Embassy there to be a good ally in those efforts and, knowing you, I do not have any doubt that you will be.

So with that, Madam Chair, I yield back.

Senator SHAHEEN. Thank you, and I want to follow up on that a little bit, Ms. Milstein, because, obviously, one of the challenges is the Russian influence in Malta, and as we look at what is happening in Ukraine do we have any sense that Russia's invasion of Ukraine has changed how some of the residents of Malta and the officials feel about Russia and potential for Russia to gain influence in the country? And also, how might we use this period to take better advantage of the opportunity to counter that Russian influence in Malta?

Ms. MILSTEIN. Thank you, Senator, for that question.

It has, indeed, been an issue in Malta and I know of media reports that Malta has, as I said, taken steps to strip Maltese citizenship and residencies from at least the sanctioned Russian nationals.

They are further working toward doing what they can as far as the citizen—the general citizenship by investment program in terms of being much more particular in terms of their vetting process, and I think this is extraordinarily important.

Senator SHAHEEN. I, certainly, agree with that and think that this is a period where it is very clear who is on the side of good and who is on the side of evil, and for those people around the world who are watching what is happening in Ukraine this is an opportunity to remind them that most people do not want to be on the side of what Russia is doing in Ukraine.

Mr. Leventhal, again, the war in Ukraine has really overshadowed so much of what is going on in the world right now. Can

you talk about what Denmark's view is of how the war affects European security and do you know if Denmark supports expanding participation to Finland and Sweden in NATO?

Mr. LEVENTHAL. Senator Shaheen, thank you for the question. Denmark has been a very close ally of the U.S. and a partner in Afghanistan and Iraq, a very strong voice against Russian aggression.

It has sent arms to the Baltic, to Estonia. It has sent troops to Latvia, sending a battalion of F–16s to Lithuania. So it partners with the U.S. and has been a very strong ally.

In fact, Denmark has talked about the U.S. being its security partner of choice. Denmark is very supportive, number one, of the open door policy of NATO, that any country has a sovereign right to put in an application. The prime minister of Denmark, Mette Fredriksen, has actually stated that she supports the membership of Finland and Sweden to NATO.

I think Denmark is a very important partner in a time of great upheaval and great change and great concern and, if I am confirmed, I will work to further our security priorities with the Kingdom of Denmark.

Senator SHAHEEN. Thank you, and I was pleased to see Denmark commit to meeting its 2 percent defense spending requirement for NATO by 2033. That seems like a long time away, especially given the urgency of what is happening right now.

Can you comment on whether there is any room to move that deadline up earlier and what are the barriers that might be prohibiting Denmark from trying to increase its defense spending sooner?

Mr. LEVENTHAL. Senator Shaheen, I think it was an important step that Denmark now has committed to meeting its Wales pledge of getting to 2 percent of GDP. It is true 2033 sounds a long time from now. They have increased their current budget by a billion dollars. Part of that is defense. Part of it is humanitarian aid, part diplomacy.

If I am confirmed, I will work with the Danish Government to see if that commitment can be accelerated earlier than the 2033 date.

Senator SHAHEEN. Great. Thank you. Senator Barrasso?

Senator BARRASSO. Thank you very much, Madam Chairman.

Ms. Milstein, it is critically important that people serving our nation as Ambassadors demonstrate professionalism and good judgment. With that in mind, I want to bring up your campaign actions in Wisconsin in the year 2000.

You were an adult in your 50s campaigning for the presidential campaign of Al Gore. During the campaign you were involved in something called "smokes for votes" and it turned out to be a scandal in Wisconsin.

The Milwaukee district attorney at the time explained that it appeared between 15 and 20 homeless men were given tobacco products in exchange for filling out absentee ballots for candidate Al Gore.

Media reports noted that you, specifically you, were caught on tape handing out cigarettes to homeless men from the Milwaukee Rescue Mission in exchange for their votes—as a doctor, I would point out that smoking causes cancer—while the executive director

of one of the three shelters, Patrick Vandenburgh, was reported as saying that you and six other Gore volunteers approached the homeless men and they initially did not want to register. This executive director went on to say that they went only after you and the volunteers held up packs of cigarettes to entice them.

A Milwaukee Rescue Mission employee told reporters he had to ask Democratic campaign volunteers, you, to leave the property after he caught them trying to bribe potential voters with cigarettes.

The campaign for Al Gore distanced themselves from you and your actions. A representative of the Gore campaign in Wisconsin issued this statement about your activities, quote, "This kind of activity described by Channel 12"—it made the news—"is not the kind of help we asked for and it is the kind of help we flat out reject."

In Wisconsin what you did was illegal and you, ultimately, paid a fine of $5,000 for your illegal activities in the campaign. To me, this action raises considerable concerns about your nomination and the vetting process of this administration.

So I would like to give you the opportunity for the committee and others so you can address your involvement with this scandal.

Ms. MILSTEIN. Thank you, Senator, for your question. As you mentioned, this incident happened more than 20 years ago. I do not recall the full details that you are reciting at the present time. I am happy to take your question back for the record and provide you with all the necessary information.

Senator BARRASSO. The record is clear you did pay a $5,000 fine and I will be happy to get your written response to that because I think this calls into question the nomination as well as the vetting process.

[Ms. Milstein's response to Senator Barrasso's question follows:]

MS. MILSTEIN'S ADDITIONAL RESPONSE

Answer. In November 2000, I participated as a volunteer in get-out-the-vote efforts in Milwaukee in support of the Gore campaign. I was a smoker at the time, and I gave cigarettes to some of the individuals that I helped bring to the polls. It was subsequently alleged that I had exchanged those cigarettes for votes. To be very clear—I never exchanged cigarettes, packs of cigarettes, or anything else for votes. The Milwaukee County District Attorney thoroughly investigated those allegations, and did not charge me or anyone else with trading cigarettes or anything else for votes in connection with this incident. His investigation did not find anything improper about the votes cast by the voters that I helped turn out—they were merely Milwaukee voters who lawfully exercised their right to vote.

There was an ancillary question of whether I inadvertently violated a since-repealed civil campaign finance law on permissible election-related disbursements by providing cigarettes to those voters. Although I was advised at the time that there were strong arguments I had not violated that campaign finance provision, I ultimately chose to avoid further proceedings and litigation costs and settled the matter in Milwaukee County Small Claims Court for a $5,000 civil penalty in May 2001.

Thank you again and please let me know if you have any additional questions about the foregoing or if you would like to have a call to discuss.

Senator BARRASSO. Ms. Hartley, if I could ask you now, the United Kingdom is an important trade and economic partner to the United States. In 2020, the United Kingdom was the world's fifth

largest economy. Bilateral investment between our two countries is the largest in the world.

Given the potential for market access and to align regulations, there is a lot of interest in a trade agreement between the United States and the United Kingdom. That would reaffirm our longstanding alliance, build upon our strong economic relationship. The U.S. and UK conducted five rounds of negotiations on a bilateral free trade agreement two years ago.

Could you please outline the potential benefits for the United States in having a free trade agreement with the United Kingdom?

Ambassador HARTLEY. Yes, Senator. Thank you for the questions.

I agree with you. The UK is a critically important trade partner for the UK—for the U.S. I think between our bilateral trade it creates about a million jobs. We are their biggest source of foreign direct investment and we are their biggest trading partner.

So I could not agree more. They also have a market that is particularly a positive for the U.S. Same language, well trained educated workforce, the rule of law, strong financial systems.

So I agree with you that it is a very important trade partner and I am happy to see, as you probably know, there have been quite a few conversations recently in terms of a trade dialogue by—with Ambassador Tai and their Minister for Trade.

I think we have had two most recently and there will be another one in Boston in a couple of weeks talking about small and medium businesses.

Senator BARRASSO. Thank you. One last question and that is for Dr. Turner, because our time is limited.

There are concerns that Russia might deploy nuclear weapons to neighboring countries. In February, Belarus approved a new constitution renouncing its nonnuclear status. U.S. Acting Permanent Representative to the Conference on Disarmament addressed the issue in March.

She stated, "Any movement of Russian nuclear weapons into Belarus would be dangerously provocative and further destabilize the region. We call on Belarus"—this is her speaking—"to reject Russia's policies of nuclear threat and intimidation."

So do you agree with the statement and is there any indication that you have seen that Russia has moved nuclear weapons into Belarus?

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

I have not seen any indication that that is the case. I mean, this is one of the many kinds of threats—reckless threats, escalatory threats—that Russia is issuing at this time, obviously, something that, if confirmed, we would want to continue to follow very, very closely and work with our allies and friends to decide how to deal with that kind of an issue.

Senator BARRASSO. Thank you, Mr. Chairman.

The CHAIRMAN [presiding]. Thank you. Let me congratulate all of you on your nominations. I am pleased that we are considering nominations for critical posts, including some of our key European allies and partners.

Over the past few months, we have been reminded of just how critical the transatlantic alliance and relationship is and the impor-

tance of strengthening partnerships with those who share our commitment to fundamental democratic values.

That unity remains paramount as we work to provide Ukraine everything that it needs to counter Russia's brutal and unprovoked war. Every country has a part to play—I just met with a whole slew of parliamentarians from Europe—and we need ambassadors in place to support these efforts, strengthen ties, and maintain that unity.

I, personally, look forward to advancing your nominations as quickly as possible, assuming I get the right answers.

Let me start off with Ambassador Hartley. It is good to see you again. I am a believer in our special relationship with the United Kingdom and I am deeply grateful for the United Kingdom's efforts to support Ukraine and stand up for democracy across the globe.

However, the United States also has an important role to play as a guarantor of the Good Friday Agreement, protecting peace on the island of Ireland.

I want to ask you, will you commit to using your voice to protect and push for the full implementation of the Good Friday Agreement, including through measures like a bill of rights for Northern Ireland, the Irish Language Act, and the establishment of a civic forum?

Ambassador HARTLEY. Yes, Senator, I will. Senator Kaine had asked me that question previously———

The CHAIRMAN. Okay.

Ambassador HARTLEY [continuing]. And I think this administration and this President has made it very clear that the Good Friday Belfast Agreement has been critically important to Northern Ireland in bringing peace, stability, and economic stability as well, and that we have to make sure that nothing ever happens to jeopardize that.

I did also say, because Senator Kaine brought up the elections that are happening later this week, that I think the executive and the power sharing agreement that has been happening in Stormont is also very, very important to progress in Northern Ireland. I would absolutely make sure both parties are communicating with each other and I commit to you, yes, that I will.

The CHAIRMAN. Thank you. I did not want to be redundant. I was not able to view the hearing while I was with these parliamentarians but I am glad to hear your answer. These are the same points I pressed with Prime Minister Boris Johnson when he was here visiting with us not too long ago.

One other question on Ireland. The British Government has reportedly been considering proposals to include a statute of limitations for all prosecutions during the troubles up to April of 1998 as well as the creation of an information recovery body.

I am a firm believer that there can be no peace in Ireland without justice and I am concerned that new bodies floated in the Government command paper would be less effective than those that were agreed to in the Stormont House Agreement, which was actually a British document that, ultimately, got agreed to.

Will you commit to standing up for the rights of those in Northern Ireland to seek accountability for trouble, errors, crimes and to

advocate for the full implementation of the Stormont House Agreement?

Ms. HARTLEY. Yes, I will.

The CHAIRMAN. Thank you. Let me turn to—now, Ms. Milstein, I caught the tail end of Senator Barrasso's concerns, and my understanding—and please correct me if I am wrong—you were a volunteer in the Gore campaign in 2000. That is 22 years ago, by the way, and the question was about in the process of giving rides to voters whether you offered them some cigarettes, and at the end of the day, the Milwaukee district attorney investigated, found no wrongdoing or evidence that cigarettes were provided in exchange for votes.

If that is the case, I can assure you that we have had nominees here, especially from the previous administration, nominees who were, clearly, under investigation by the IRS presently who, ultimately, got indicted, and members of this committee voted for that individual.

So 22 years ago for something that the Milwaukee district attorney said was no violation of criminal law is something I do not quite understand being an impediment to moving forward in your nomination. But I look forward to your response to Senator Barrasso in your written response.

I do have a concern about money laundering as it relates to Malta. The Financial Action Task Force has assessed that Malta needs to do more to support law enforcement efforts to address money laundering.

As you—as we work to expose and rid our systems of malign foreign and oligarchic influence, will you work with Malta to promote greater transparency in its financial systems?

Ms. MILSTEIN. Thank you for that question, Senator Menendez.

It would be a great honor for me and I look forward to working with Malta to try to get them removed from the jurisdictions which are under scrutiny and by FATF.

This is an international body, as well you know, and the United States is always given more credit than it really has in terms of turning things around. But I am happy to report to you that the prime minister is working to do what he can to get Malta removed from that list as well.

The CHAIRMAN. All right.

And then, Mr. Leventhal, Denmark has announced plans to boost gas output in an effort to become energy self-sufficient and bolster European energy security. How large of a role do you think Denmark can play in helping wean Europe off of Russian fossil fuels and is there a role for the United States in supporting Denmark's efforts?

Mr. LEVENTHAL. As I am sure you are aware, Senator, Denmark has played a leading role in climate change and leading in moving from a fossil fuel economy. They lead in windmill production across the world, about 25 percent of production. I think Denmark has an important role to play.

The CHAIRMAN. I hope we will help them. I understand that Senator Booker is actually joining us virtually so let us call upon him. Senator Booker?

[No response.]

The CHAIRMAN. Now it is the problem for Madam Chair here to figure it out. So———

[Laughter.]

The CHAIRMAN [continuing]. Senator Booker was supposedly on. Thank you for your answers.

Senator SHAHEEN [presiding]. All right. He has got to be here in person. Okay. No one is in line for questions. I do have a couple more, if you will indulge me.

I do not know, Senator Barrasso, if you are finished. But, Dr. Turner, I wanted to ask you a little bit about where we are with our engagement on non-proliferation because I do think it is very important for the United States to lead in the world, and I wonder if you can talk about the ways in which the United States can substantively reengage with the Conference on Disarmament and what the implications are for our policy if we are not able to improve international engagement.

Mr. TURNER. Thank you for that question. It is a very complicated one, I think, in a number of ways. The United States is, obviously, engaged in these institutions, as in many institutions.

Unfortunately, over the past several years, in terms we have gone from an era of cooperation to lots of competition now among great powers and contestation as well of policies that are being put forward.

This is a very real challenge. There is very little political will to reach agreement on some of these issues. It is, nonetheless, important for us to fight the good fight.

We are a responsible nuclear power that is pushing to reduce the role of nuclear weapons while maintaining our deterrence relationships and progressing according to the NPT treaty, progressing toward the eventual goal of a world without nuclear weapons by pursuing negotiations in good faith on effective means, and the question is on effective means.

And, unfortunately, as we all know, Russia is currently violating any number of agreements. It has revealed itself to be an irresponsible nuclear power weapons state, unlike the United States, France, and the UK.

China has more or less tried to avoid responsibility in this area, preferring to leave everything to the United States and Russia. But we will continue to fulfill our goals. We want to use the Review Conference to strengthen the NPT regime.

We are working hard to persuade China to engage with us bilaterally on risk reduction measures, more transparency, to start acting like the responsible global power that it claims that it is.

The Russian problem is a separate issue for the moment. We do have the New START Treaty, which we have extended now for another five years. We had started the Strategic Stability Dialogue to talk with Russia about things we might do in the future.

Our goal, obviously, is to capture all of those theater nonstrategic nuclear weapons that Russia is directly or indirectly threatening to use at this very moment, and then with China to get—again, to put in place some mechanisms that will lead to strategic risk reduction.

So the NPT Review Conference in August is going to be very important to that end. We have had some success in the U.N. First Committee in pushing norms of behavior in space. There is an

open-ended working group that will go for a couple of years and that is also something that we can build on.

And, finally, at the very end of the year, there will be a review conference for the Biological Weapons Convention to which we have appointed a special envoy and the idea there is to break the deadlock, which is—has gone on now for about 20 years.

We do not want to have a full negotiation of a protocol but we are looking at ways to strengthen the regime, perhaps through the creation of an expert group that would meet for a couple of years and try to come up with some practical measures.

Thank you.

Senator SHAHEEN. Thank you. I am particularly interested in what is happening looking at space because this is a new frontier, really, in terms of the potential to put weapons in space.

And can you talk a little more about the progress that that review committee is making?

Mr. TURNER. When it comes to space, recently we had the Vice President which—who stated that we ourselves would no longer conduct anti-satellite—direct ascent anti-satellite destructive tests in space. So there is that problem.

The Russians, as you know, conducted a test in mid November, which put many thousands of pieces of debris into space and which endangered the Space Station. So that is the sort of thing that we do not want to do.

Over many, many years, Russia and China have put forward different kinds of treaty proposals that called for no first placement of weapons in outer space at the very same time that they are now sending satellites into space, which are capable of maneuvering behind other satellites, which have fired projectiles into space, and then they have their direct ascent test.

So the fact of the matter is is that countries are developing weapons for use in space with the intent of denying the United States use of space or denying us some use of space over a long period of time.

We depend more on space than many of—they do for our communications purposes. So this is a very serious issue. The proposal to develop norms of behavior in space is to develop something that would be parallel to what we have in the oceans or commercially in the air, which would—again, it will not solve the problem of what is happening in space but it will at least make it manageable.

It will make it possible to distinguish commercial satellites from military satellites and, perhaps, develop some measures that you keep a certain distance from other satellites in order to avoid putting yourself into a situation where that is perceived as a threat.

Senator SHAHEEN. Thank you very much. I look forward to hearing more about the progress there.

Ambassador Hartley, my last question is for you, and I think you have a unique perspective on this, having served as Ambassador to France and now looking at the position at the United Kingdom.

As you know, we have a new security agreement with Australia, the United Kingdom, and the United States. It is known as AUKUS, and it takes a look at the opportunities for us to have an allied response to the growing threat from China and North Korea in the Indo-Pacific.

Can you talk about how important that is and what further opportunities we have to collaborate with AUKUS?

Ambassador HARTLEY. I agree, Senator. I think AUKUS is an incredibly important agreement. It deepens our already strong relationship in terms of Five Eyes, particularly with the UK.

But it also strengthens—gives us depth and ability to understand more about what is happening in the Indo-Pacific. UK recently, in their last integrated review, said that there was going to be a tilt in their government toward the Indo-Pacific, and we see them spending both more money and they have had various warships there over the last months.

I think, for us, working with the UK and Australia will be very important and especially the technology component and, once again, I am not confirmed so I do not have a lot of information on this. But the technology component of this deal is going to be very, very important for us.

Senator SHAHEEN. Thank you.

Senator Barrasso, you have no further questions, and I do not think there is anyone else waiting to come. So with that, I would like to thank all of our nominees today for your testimony and, again, for your willingness to serve the country.

I look forward to working with each of you, should you be confirmed, and I know that we are all hoping that these nominations will move forward as expeditiously as possible because one of the lessons from the war in Ukraine is just how important it is for us to have ambassadors on the ground who can represent American interests. We do hope to be able to move these as quickly as possible.

For the information of all senators, the record of this hearing will remain open until close of business tomorrow, Thursday, May 5th. To my colleagues on the committee, I hope that they will submit any questions during that time.

And to the nominees, if you have any additional questions I urge you to answer those as fully and expeditiously as possible so that we can move forward with your nominations.

With that, the hearing is adjourned and congratulations to all of you.

[Whereupon, at 3:22 p.m., the hearing was adjourned.]

Additional Material Submitted for the Record

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO DR. BRUCE I. TURNER BY SENATOR JAMES E. RISCH

Question. Just this January, Russia publicly affirmed that, "a nuclear war can never be won and must never be fought." Since then, Russian leaders have issued more than a dozen threats of nuclear use against nations supporting Ukraine. Was Russia lying in January? Or are its current threats hollow?

Answer. Russia's rhetoric on nuclear use is inconsistent with the January P5 joint statement and totally unacceptable. At the same time, the United States has not seen any evidence that Russia is preparing to launch a nuclear attack. It is in all of our interests to maintain the 76-year plus record of non-use of nuclear weapons, and Russia should put into practice the sentiments of the January statement.

Question. The administration believes China may be willing to engage in arms control discussions with the United States in order to protect its reputation. Do you

agree, given China's tacit support of Russia in its unprovoked, unjustified war in Ukraine?

Answer. While making the case that arms control that advances stability and predictability is in Beijing's security interest, the United States will simultaneously marshal support from U.S. partners to impose diplomatic and reputational pressure on the People's Republic of China (PRC) that counters its self-serving narrative about the "benign nature" of its nuclear build-up. Alone, reputational costs are unlikely to force Beijing to the table. But together with a commitment to advance U.S. capabilities to defend against a range of PRC threats and maintain a credible and strong deterrent, the United States will help ensure Beijing understands that there is no benefit to be gained from refusing to engage.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO DR. BRUCE I. TURNER BY SENATOR MARCO RUBIO

Question. The Outer Space Treaty, which entered into force in 1967, prohibits the placement of nuclear weapons or weapons of mass destruction in space, and prohibits the use of the moon or other celestial bodies for military purposes, but does not limit conventional armaments from being placed in orbit. In recent years, militaries around the world have been preparing for future conflicts in space with the proliferation of space technologies such as anti-satellite weapons being developed and tested, most notably by Russia and China. That's why this year I introduced the DEBRIS Act, which would help the United States enforce the provisions of the Outer Space Treaty through sanctions.

- Do you support my DEBRIS Act of 2022 (S. 3925)?

Answer. I share your concern regarding Russia's and China's development of anti-satellite capabilities. One of my priorities, if confirmed, will be to develop norms of responsible behavior to address security threats in outer space. I would build upon Vice President Harris's April 18, 2022, announcement that the United States will not conduct destructive direct-ascent ASAT missile tests, such as the one Russia conducted in November 2021, and seek to establish this as an international norm.

I understand that the Administration is continuing to analyze your legislation. If confirmed, I would welcome the opportunity to work with you and your staff to strengthen the international response to anti-satellite tests and to develop tools to deter or hold to account those who carry out such tests.

Question. How can the United States prevent space from becoming a war-fighting domain?

Answer. The United States recognizes that states such as China and Russia increasingly see space as a warfighting domain. The military doctrines of competitor nations identify space as critical to modern warfare and view the use of counterspace capabilities as a means both to reduce U.S. military effectiveness and to win future wars. Confrontation or conflict, however, is not inevitable. If confirmed, I look forward to working with U.S. interagency, including the Department of Defense and Intelligence Community, to engage diplomatically with allies, partners and strategic competitors in order to enhance security and stability in outer space, including through the development of norms of responsible behavior.

Question. Last year, the U.S. Department of Defense estimated that the People's Republic of China (PRC) is dramatically accelerating expansion of its nuclear arsenal. It is now on track to amass 700 nuclear warheads by 2027 and 1,000 by 2030, which is double the estimates from last year. Unlike the old Soviet Union, the PRC is not restricted by arms control treaties with the United States. If we want to compel the PRC to stop this dangerous pursuit of a large nuclear arsenal, we need to negotiate from a position of strength. President Biden's decision to stop modernizing of our nuclear arsenal and his apparent intention to implement a "no first use," "sole use" or similar policy is the exact opposite of the approach we need.

- Given the President's nuclear policy, what leverage does the United States have to negotiate an arms control treaty with the PRC?

Answer. The President recently approved the 2022 Nuclear Posture Review, which emphasizes maintaining a safe, secure, and effective nuclear deterrent and strong and credible extended deterrence commitments. Beijing should understand that there is no benefit or leverage to be gained from refusing to engage with us on reducing risks. If confirmed, I commit to consulting Congress at an appropriate time on potential measures to be pursued with the PRC.

Question. If confirmed, what actions will you take through the conference on disarmament to encourage international action to stop the PRC's nuclear weapons build-up?

Answer. If confirmed, I will ensure that the member states of the Conference on Disarmament understand the facts behind the PRC's buildup, the threat it poses to international security, and how this nuclear expansion stands in stark contrast with Beijing's responsibility to work with all states to create a security environment more conducive to progress on disarmament. I will also continue to press for commencement of negotiations on a Fissile Materials Cut-off Treaty (FMCT) and press for all states, including the PRC which has not done so, to declare and maintain moratoria on production of fissile material for use in nuclear weapons or other nuclear explosive devices.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO ALAN M. LEVENTHAL BY SENATOR JAMES E. RISCH

Human Rights, Trafficking in Persons, and Religious Freedom

Question. In the State Department's 2021 Trafficking in Persons report, Denmark remained on Tier 2 due to a continued lack of prosecutions and convictions of suspected human traffickers for a second year.

- What is your assessment of this issue, and how can you encourage the Danish Government to increase their efforts to prosecute and convict suspected traffickers?

Answer. The State Department's 2021 Trafficking in Persons Report placed Denmark on Tier 2, noting that the Government does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The Government did not meet minimum standards in several areas. However, the Danish Government works closely with the U.S. Government to address these issues. If confirmed, I will engage with the Danish Government to combat trafficking in persons and address the recommendations in the Report, including as they relate to prosecutions and convictions and victim protection, and the lack of a non-punishment provision, which has resulted in some authorities prosecuting victims, including children, for unlawful acts traffickers compelled them to commit.

Question. In the State Department's 2020 International Religious Freedom report, it was noted that there were 61 percent more religiously motivated crimes in the last reporting period compared to the year before in Denmark. The majority of these crimes were committed against Muslims and Jews.

- What is your assessment of religious freedom and societal/governmental respect for religious freedom in Denmark?

Answer. The increase in religiously motivated crimes is of great concern and unfortunately something observed throughout Europe. The Government and people of Denmark generally have a high level of respect for religious freedom, and the Danish constitution guarantees the right of individuals to worship according to their beliefs. If confirmed, I would engage the Danish Government, members of parliament, religious leaders, and others to encourage an environment that respects the law and the rights of individuals.

Question. If confirmed, how will you work with the Danish Government to address crimes against religious minorities?

Answer. If confirmed, I would regularly engage with the Danish Government to discuss crimes against religious minorities, through meetings and outreach with my counterparts in the Government and throughout society. I would also ensure the Embassy regularly engages on this issue.

Question. If confirmed, do you commit to personally meeting with members of civil society to discuss the importance of religious freedom?

Answer. Yes. If confirmed, I commit to personally meeting with members of civil society on a regular basis to underscore the importance of religious freedom.

Question. In the State Department's 2020 Human Rights Report, Denmark was named has having no reports of significant human rights abuses. Despite the positive human rights environment, if confirmed, how can you continue to engage with civil society to bolster human rights and human rights defenders in country?

Answer. Denmark is a strong partner of the United States in promoting human rights globally; the United States and Denmark regularly meet and coordinate on

human rights issues. The U.S. Embassy in Denmark engages with civil society in Denmark as part of its daily work. If confirmed, I would continue this engagement through regular outreach, meetings, and discussions with human rights defenders to advance shared values, including respect for human rights. Denmark has recently adopted a policy which would return Syrian refugees to Syria despite potential dangers posed to them.

Question. How will you engage the Government to ensure that refugees who are still in fear of persecution are not returned to Syria?

Answer. Denmark's decision to revoke the residency permits of certain Syrian asylum seekers from Damascus is very concerning, though I understand that Denmark has not forcibly returned anyone to Syria at this time. If confirmed, I will work closely with Denmark on refugee policy to promote protection for Syrian refugees, and to help ensure they are treated fairly, and with dignity. I understand the U.N.'s assessment is that conditions inside Syria are not conducive to refugee returns at this time.

Question. The Office of Multilateral Strategy and Personnel (MSP) in the State Department's bureau of International Organizations is leading a whole-of-government effort to identify, recruit, and install qualified, independent personnel at the U.N., including in elections for specialized bodies like the International Telecommunications Union (ITU). There is an American candidate, Doreen Bodgan-Martin, who if elected would be the first American and first woman to lead the ITU. She is a tough race that will require early, consistent engagement across capitals and within the U.N. member states.

- If confirmed, do you commit to demarching the Danish Government and any other counterparts necessary to communicate U.S. support of Doreen?

Answer. Yes. If confirmed, I commit to engaging the Danish Government and relevant counterparts as necessary to communicate U.S. support of Doreen Bogdan-Martin's candidacy to lead the International Telecommunications Union and to vigorously delivering all official demarches in support of her.

Question. If confirmed, how can you work with the International Organizations (IO) bureau and other stakeholders to identify, recruit, and install qualified Americans in positions like the Junior Program Officer (JPO) program at the U.N.?

Answer. If confirmed, I would coordinate closely with and engage the International Organizations Bureau at the Department of State to ensure that the United States is readily able to identify, recruit, and install qualified Americans at the U.N. and in other specialized international bodies.

Defense

Question. Denmark announced it will gradually raise its defense spending over the next 10 years with the goal of reaching the 2 percent GDP threshold required for NATO members.

- How will you work with the Danish Government to improve this timeline?

Answer. The United States expects all Allies to fulfill their commitments under the Pledge on Defense Investment, as decided at the Wales NATO Summit in 2014 and reaffirmed by Allied leaders several times since. Denmark announced a "national compromise on Danish security" March 6. In this compromise, Denmark announced it would spend two percent of GDP on defense by 2033. If confirmed, I will engage regularly to encourage Denmark to more rapidly meet its goal to reach the two percent GDP threshold for all NATO members.

Question. How will you advise the Danish Government so that it spends its new defense funding on materiel and capabilities that provide maximum benefit to NATO's collective defense.

Answer. Denmark is a stalwart NATO Ally whose security is dependent on close transatlantic cooperation and the U.S. mutual security guarantee. Denmark and the United States already enjoy a very close and effective relationship in the military sphere. If confirmed, I would continue this close cooperation and coordination with the Government of Denmark through regular engagement with all appropriate counterparts to encourage uses of Denmark's new defense funding that will provide maximum benefit to NATO.

Ukraine

Question. Denmark has sent humanitarian and military assistance to Ukraine, and has even begun accepting Ukrainian refugees.

- How will you urge Denmark to continue its humanitarian and military assistance to Ukraine?

Answer. Danish leaders have strongly condemned Russia's unprovoked and unjustified war against Ukraine and voiced support for Ukraine's sovereignty and territorial integrity. Denmark has announced over $71 million in humanitarian assistance and considerable military assistance to Ukraine. Denmark has said that over 100,000 Ukrainian citizens could seek refuge in Denmark; already, over 25,000 Ukrainian citizens have applied for temporary residency. Denmark has provided legal frameworks for Ukrainian citizens to be able to work and study while in Denmark. If confirmed, I would work daily with the Government of Denmark to ensure that Denmark continues its considerable assistance to Ukraine and that its assistance is coordinated for maximum benefit.

Greenland

Question. Greenland, the traditionally neutral country that is under Danish sovereignty, has faced more and more encroachment from Russia and China as they impose their interests in its area.

- How will you work to promote U.S. and allied interests in Greenland in the North Atlantic with regard to Russian and Chinese expansionism?

Answer. The reopening of the U.S. Consulate in Nuuk in 2020 after a 67-year hiatus is emblematic of the U.S. desire to broaden engagement with Greenland and to promote and protect U.S. and allies' interests in the North Atlantic. The Kingdom of Denmark is clear-eyed about the People's Republic of China (PRC) and Russia. The Governments of Denmark and Greenland have taken action to stave off problematic PRC investment activities in Greenland. Both Denmark's and Greenland's approach to Russia reached a turning point following Putin's premediated, unprovoked, and unjustified war against Ukraine. At the same time, the U.S. Consulate in Nuuk is actively engaged with the Government of Greenland to promote U.S. interests in Greenland and the North Atlantic, from promoting trade and investment to enhancing people-to-people ties.

If confirmed, I would expand our engagement with Greenland through regular contacts with the Government and people of Greenland to further U.S. interests and combat problematic Russian and PRC activities in the region.

Question. If confirmed, do you commit to visiting Greenland and the new U.S. consulate in Nuuk, and making regular trips there?

Answer. Yes. If confirmed, I commit to making regular trips to Greenland and to the U.S. Consulate in Nuuk to broaden and enhance the relationship between the United States and Greenland.

China

Question. To what extent and in what respects do you believe Danish industries are economically vulnerable in China?

Answer. Denmark has one of the most advanced economies in the world and is highly dependent on foreign trade with exports comprising the largest component of GDP. Denmark adopted investment screening legislation in 2021 to prevent threats to national security or public order in Denmark. Denmark is clear eyed about People's Republic of China (PRC) economic practices; it has labeled the PRC a "systemic rival" and welcomed increased U.S. engagement in Asia. If confirmed, I would regularly work with the Government of Denmark to address joint concerns about the PRC.

Question. How will you engage with your Danish counterparts in areas such as addressing economic vulnerabilities, increasing economic resilience, and risks posed by China to shared economic security between the United States and Denmark?

Answer. If confirmed, I would engage regularly with the Government of Denmark, business representatives from Denmark and other partner nations, and civil society to address risks that the PRC poses to shared economic security. Further, I would encourage increased investment in the United States, not only to enhance our economic security, but also to provide good paying jobs for American citizens.

Question. Researchers failing to disclose ties to the Chinese military, as well as universities transferring sensitive technology to China, are major problems in both the United States and European countries, including Denmark. Last year, the University of Copenhagen found that one of its professors failed to disclose ties to BGI Group and worked with a People's Liberation Army laboratory.

- If confirmed, will you commit to prioritizing China-Denmark technology and defense partnerships that could undermine U.S. interests?

Answer. Yes. If confirmed, I commit to prioritizing U.S. interests with respect to People's Republic of China (PRC) and Denmark technology and defense partnerships that could undermine U.S. interests.

Syrian Refugees

Question. Denmark, which has taken in over 30,000 Syrian refugees, has determined in some cases that Syria is safe for them to return, are revoking their refugee status and repatriating them.

- Do you agree with the Danish Government's assessment that Syrian refugees are safe to return home?

Answer. Denmark's decision to revoke the residency permits of some Syrian asylum seekers from Damascus is very concerning, though I understand Denmark has not forcibly returned anyone to Syria at this time. I understand that the U.N.'s assessment is that conditions inside Syria are not conducive to refugee returns at this time.

Question. How will you work with the Danish Government to ensure the Syrian refugees' interests and safety are prioritized?

Answer. If confirmed, I will engage closely with the Government of Denmark and civil society organizations to promote protection for Syrian refugees, and to help ensure they are treated fairly and with dignity.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO ALLAN M. LEVENTHAL BY SENATOR RON JOHNSON

Question. On Feb. 7, 1997, the *Wall Street Journal* published a report "How Clintonites Built Fund-Raising Machine," which suggested a $200 million contract between your company Energy Capital Partners and the Department of Housing and Urban Development (HUD) was connected with significant donations you and others made to President Clinton's reelection campaign. HUD cancelled the contract several days later and Energy Capital Partners sued for breach of contract, eventually recovering over $10 million in damages for lost profits.

A subsequent August 25, 2000, article in *The Washington Post* reported the following regarding the Energy Capital Partners-HUD dispute:

a. HUD officials said an "internal review concluded that the deal had been agreed to under improper circumstances in which political pressure was placed on career staff to give their assent. An inspector general report also said the structure of the program was illegal."

b. Former HUD deputy general counsel Howard Glaser, said that career officials had in fact been pressured to agree to the Energy Capital Partners deal.

c. A March 1998 internal HUD report said "tremendous pressure was brought to bear by political appointees on career employees."

d. Glaser described the contract as "an unprecedented giveaway done with no competition and no bidding."

- Were you aware then or are you aware now of any political pressure placed on HUD officials to approve Energy Capital Partners (Energy Capital) Affordable Housing Energy Loan Program (AHELP) contract with HUD? If yes, was any of this pressure carried out at your behest or the behest of someone acting on your behalf?

Answer. There is critical factual context required for a full and accurate understanding of this historical matter. Reference is made to two articles, the first in the *Wall Street Journal*, the second in The Washington Post. Significantly, the first referenced article was substantially corrected by the *WSJ* three days after it was published. Based upon the initial, incorrect *WSJ* article referenced above, HUD terminated the contract/agreement you have asked about. HUD then subsequently admitted its liability for breach of the contract/agreement in a lawsuit Energy Capital Partners filed against HUD.

The second article referenced above (*Washington Post*) was published after the U.S. Federal Court of Claims issued a 48-page decision entering judgment against HUD for over $10 million because of its admitted breach of the contract/agreement you have asked about. To my knowledge *The Washington Post* did not do any independent investigating in doing its reporting. It simply quoted a non-career, HUD appointee and longtime associate of Secretary Cuomo who shared direct responsibility for directing HUD's conduct, claiming that the Court's decision would be overturned

on appeal. The Federal Circuit Court of Appeals affirmed HUD's liability. Copies of both federal court decisions are attached.

Within this context, I confirm that I was not aware at the time, or now, of any political pressure placed on HUD officials to approve Energy Capital Partners' Affordable Housing Energy Loan Program contract with HUD, nor, specifically, am I aware, now or then, of any pressure carried out at my behest or the behest of someone acting on my behalf.

Question. Did you discuss AHELP with President Clinton prior to securing the contract with HUD? If so, please describe what was said.

Answer. No.

Question. If nothing unethical had taken place, why did HUD cancel the contract with Energy Capital only days after the Feb. 1997 Wall Street Journal article?

Answer. The reason stated by HUD for termination was the WSJ article referenced in the question above. As noted above, that HUD termination letter failed to acknowledge the WSJ correction published three days after the article appeared, and as further noted above, HUD admitted its liability for breach of contract. See attached federal court decisions.

Question. The contract allowed Energy Capital to include in its energy efficiency loans to HUD-managed properties what was referred to as a "springing subordinated lien" and a "cross-default provision," whereby Energy Capital would be allowed to recover before the Federal Housing Administration in the event of a default. Please explain how Energy Capital secured such a beneficial program structure? Was there any precedent for such a mechanism in this type of government contract? If so, please provide other instances.

Answer. Those provisions, and the reasons for them, are fully explained in the attached decision of the Court of Federal Claims, at pp 7–9. I note that before being made part of the contract/agreement you have asked about, the provisions were the subject of fifteen months of negotiation, required by Fannie Mae, and reviewed by numerous federal lawyers and officials. As reflected in my understanding of the decision of the Court of Claims the arrangement solicited and negotiated by HUD was intended by HUD to address its then unique requirements and HUD did not rely upon any precedents, one way or another, as the arrangement was not one based upon a standard form.

Question. Please explain why you decided that detrimental reliance damages were insufficient in this case and instead sought damages for lost profits, which cost the American taxpayer over $10,000,000?

Answer. Energy Capital Partners pursued the remedies to which it was entitled by law. The Court's decision, attached, fully explains all the reasons for which all damages were awarded by the federal court. The Court's decision states clearly how it arrived at a final judgment against HUD for $8.8 million (see Court of Appeals decision below).

[The court cases referred to above are located at the end of this hearing transcript.]

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO ALAN M. LEVENTHAL BY SENATOR JOHN BARRASSO

Question. On February 7, 1997, a Wall Street Journal article claimed Energy Capital received a federal contract in return for your significant fundraising efforts for President Clinton. Energy Capital Partners reportedly would have administered up to $200 million in loans to help the U.S. Department of Housing and Urban Development (HUD) assist housing developers create more energy efficient units. On February 14, 1997, HUD canceled a contract with Energy Capital Partners. In April 1997, Energy Capital Partners then sued HUD for breach of contract.

A Washington Post article from August 25, 2000, titled, "Court Orders HUD to Pay $8.8 million," mentioned you and your company's deal with HUD. It reported that an internal review concluded by HUD found the deal "had been agreed to under improper circumstances in which political pressure was placed on career staff to give their assent." It went on to say, "an inspector general report also said the structure of the program was illegal." The article also quotes the agency spokeswoman Ginger Cruz saying, "HUD was sued only for acting quickly to prevent the agency from being saddled with a bad deal."

- Please describe your involvement in designing the program and obtaining the agreement with HUD.

Answer. There is critical factual context required for a full and accurate understanding of this historical matter. Reference is made to two articles, the first in the Wall Street Journal, the second in the Washington Post. Significantly, the first referenced article was substantially corrected by the WSJ three days after it was published. Based upon the initial, incorrect WSJ article referenced above, HUD terminated the contract/agreement you have asked about. HUD then subsequently admitted its liability for breach of the contract/agreement in a lawsuit Energy Capital Partners filed against HUD. The second article referenced above was published after the U.S. Federal Court of Claims issued a 48-page decision entering judgment against HUD for over $10 million because of its admitted breach of the contract/agreement you have asked about. To my knowledge The Washington Post did not do any independent investigating in doing its reporting. It simply quoted a non-career, HUD appointee and longtime associate of Secretary Cuomo, Howard Glaser, who shared direct responsibility for directing HUD's conduct, claiming that the Court's decision would be overturned on appeal. The Federal Circuit Court of Appeals affirmed HUD's liability. Copies of both federal court decisions are attached. I now turn to the specific questions.

Answer. With this context, I confirm that I did not have any involvement in designing the program or obtaining the agreement with HUD.

[The court decisions referred above are located at the end of this hearing transcript.]

Question. What discussion did you have with President Clinton directly about the program?

Answer. I did not have any discussions with President Clinton about this program.

Question. Did you receive a copy of the Inspector General's report about the deal between HUD and Energy Capital Partners? If so, could you share a copy of the report with the committee?

Answer. No. I have never been provided with nor seen such a report. HUD did not seek to introduce any such report at trial or call the Inspector General as a witness. As I noted above HUD, fully represented by the U.S. Department of Justice, admitted liability for breaching its contract with ECP.

Question. Did you receive a copy of the HUD internal review of the deal with Energy Capital Partners? If so, could you share a copy of the report with the committee?

Answer. No. I have never been provided with nor seen such a report. The Washington Post article from August 25, 2000, reported that former HUD deputy general counsel Howard Glaser "criticized the structure of the program, particularly a provision under which any default by a developer on an Energy Capital loan would have automatically triggered a default on the larger HUD-backed mortgage. When HUD would then foreclose on the property in default, according to this provision, Energy Capital Partners would be paid off before the government."

Question. Is the description of the provisions of the deal with Energy Capital Partners accurate?

Answer. The referenced provisions were described in full in the attached Court of Claims decision. I confirmed above that I did not have any involvement in designing the program or obtaining the agreement with HUD. I note that before being made part of the contract/agreement you have asked about, the provisions were the subject of fifteen months of negotiation, required by Fannie Mae, and reviewed by numerous federal lawyers and officials.

Question. On September 28, 2021, you wrote an opinion editorial titled, "All Hands on Deck to Address Climate Crisis." It called for an all-hands-on-deck agenda for collaboration across the private and public sectors to prioritize climate justice, equitable resilience investments, accelerate carbon mitigation, and a more informed and activated citizenry.

- As Ambassador, do you plan to focus on and promote climate change? If so, what would be your priorities?

Answer. Denmark is a leader in combatting climate change globally and devotes significant resources to domestic green technology as well as assistance to developing nations' climate mitigation and adaptation efforts. In November 2021, Denmark joined the Global Methane Pledge. In addition, the United States co-launched

with Denmark and the Marshall Islands the Declaration on Zero Emission Shipping by 2050 at COP26; we subsequently announced at the Our Ocean Conference in April 2022 that the number of participating countries in the Declaration has more than doubled since Glasgow. If confirmed, I will work to combat climate change and will work closely with Danish counterparts to advanced shared goals.

Question. Please explain your views on prioritizing climate justice.

Answer. The impact of climate change affects everyone. My hometown of Boston is susceptible to storm surges and flooding during the winter months, impacting residential areas throughout the city; some lower income neighborhoods are particularly vulnerable. I believe that diligent efforts must be made to combat climate change to provide future generations with the same opportunities that I have had. Denmark devotes considerable effort to increase renewable energy use and sustainability in the developing world, and, if confirmed, this is an area where I will work closely with Danish counterparts.

Question. You explained that, "Now, just nine months later and with the recent report from the Intergovernmental Panel on Climate Change declaring that climate change is a code red for humanity, it is clear those goals and policy changes may not be aggressive enough."

- What do you believe are the appropriate goals and policy changes to address climate change?

Answer. Shortly after taking office, President Biden called world leaders together and urged them to commit to the steps needed to keep the goal of limiting warming to 1.5 degrees Celsius within reach. Many countries are raising their ambition, but stronger and more urgent efforts are needed to reduce emissions and to help the most vulnerable countries cope with devastating climate impacts. Denmark continues to push for increased global ambition on climate change and is eager to broaden cooperation with the United States on combatting climate change. This is reflected in the close cooperation during COP26, which saw Denmark join the Global Methane Pledge and the Agriculture Innovation Mission for Climate (AIM4C) initiative. If confirmed, I would work closely with my counterparts in the Kingdom of Denmark to address climate change.

Question. In February 2021, you wrote a letter to the Boston Globe. It stated, "As leaders of the commercial real estate industry in Boston, we have a long record of advancing sustainable development and reducing greenhouse gas emissions from buildings. We support the recent efforts to advance climate policy, including many of the concepts and provisions of the climate bill under consideration."

- What efforts and legislation have you supported to advance climate policy, including areas involving sustainable development and reducing greenhouse gas emissions?

Answer. Throughout my career, I have consistently advanced sustainable development. I supported many of the concepts of the Massachusetts climate bill that was under consideration, as well as city of Boston legislation in an effort to advance sustainable development while reducing greenhouse gas emissions.

Question. Russia has demonstrated over and over again its willingness to use energy resources as a geopolitical weapon. President Putin uses Russia's energy resources to extort, to threaten, and to coerce our allies and our partners. The United States has been working closely with our partners in Europe to promote energy security through energy diversification in the types of energy, sources of energy, and routes to Europe.

- Do you support the U.S. increasing exports of liquefied natural gas to assist our allies and partners in escaping their dependence on Russia?

Answer. Yes. I support the United States increasing exports of liquefied natural gas to assist our allies and partners in escaping their dependence on natural gas from Russia in the short to medium term. If confirmed, I would work closely with the Government of Denmark to work toward independence from Russian gas, balancing short term needs with long term decarbonization goals.

Question. Denmark recently announced they will increase their output of natural gas to help Europe eliminate its dependence on Russian energy resources. Denmark is also constructing a gas pipeline from Norway to Poland called the Baltic Pipe.

- As Ambassador, what steps would you take to strengthen cooperation between the US and Denmark on increasing natural gas production to Europe?

Answer. In Denmark's March 6 "national compromise on Danish security," Denmark committed to become independent of Russian gas. Denmark also committed

to increasing gas recovery in the North Sea, increasing the use of biogas, and advancing the Baltic Pipe. Denmark was a net exporter of gas until 2018, but its Tyra field has been offline since 2019 for extensive repairs.

Denmark aims to return to its position as net exporter of gas by 2023. If confirmed, I would regularly engage with the Danish Government to strengthen cooperation between the United States and Denmark with an aim to decrease Europe's dependence on Russian fossil fuels and to support Denmark's efforts to be a net gas exporter by 2023.

Question. What is your view of the Baltic Pipe Project?

Answer. I support the Baltic Pipe Project. The Baltic Pipe aims to create a new gas supply corridor in Europe. In Denmark's March 6 "national compromise on Danish security," Denmark announced that it is "committed" to the Baltic Pipe. Denmark currently imports natural gas via Germany and as of October 2022 expects to import gas from Norway upon completion of the Baltic Pipe connection to Poland. Denmark aims to become a net exporter of gas by 2023. If confirmed, I would work with my Danish counterparts to ensure energy security, including efforts on the Baltic Pipe, and I would support Denmark's efforts to be a net exporter of gas by 2023.

Question. What is the status of Baltic Pipe gas pipeline? When is it expected to be completed?

Answer. Work on the Baltic Pipe is ongoing. In late April, the first "hole through" occurred, meaning that gas can flow through the pipe. Current projections indicate that the Baltic Pipe will be completed in October 2022. The Government of Denmark is committed to independence from Russian gas, and if confirmed, I would work closely with the Government of Denmark to help ensure the Baltic Pipe is completed in a timely manner.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO ALAN M. LEVENTHAL BY SENATOR TODD YOUNG

Question. As Finland and Sweden discuss closer cooperation with NATO, how do you view the role of Denmark within the NATO alliance?

Answer. As a founding member of NATO, Denmark is a staunch and actively engaged NATO Ally. Denmark was a valued contributor to NATO's Resolute Support Mission in Afghanistan and currently leads NATO Mission Iraq. Closer to home, Denmark participates in the collective defense of the Alliance, including through training and exercises with Allies across NATO. Denmark also has long-standing cooperation through the Nordic Defense Cooperation (NORDEFCO) framework that includes Finland and Sweden. Prime Minister Frederiksen has publicly stated that Denmark would support Finland and Sweden if they were to seek NATO membership. If confirmed, I will work to further cooperation with Denmark to enhance our engagement on security issues.

Question. What is your assessment of the strategic value of cooperation with Denmark on security and regional stability?

Answer. Denmark is the only country that is a member of NATO, the EU, and the Arctic Council. As such, Denmark plays a vital role on security and regional stability, with influence from the Arctic to Southern Europe. Denmark also contributes to security across the globe; it currently leads NATO Mission Iraq and stood beside us in Afghanistan. Denmark has said the United States is its security partner of choice and in February, Denmark announced its readiness to begin negotiating a Defense Cooperation Agreement with the United States that would further deepen our security cooperation. If confirmed, I would continue this close coordination as we cooperate on security and regional stability.

Question. What do you view are China's interests in Greenland? How should the United States respond?

Answer. The People's Republic of China (PRC) has exhibited interest in Greenland, particularly Greenland's critical minerals and strategic transportation infrastructure such as airports and ports. The Governments of Greenland and Denmark are clear eyed about PRC economic practices and have taken action to stave off problematic PRC investment activities in Greenland. If confirmed, I would continue to coordinate closely with the Governments of Greenland and Denmark to ensure that we remain aware of PRC activities and plans and to encourage investment in Greenland by U.S. companies as an alternative to problematic PRC investments.

Question. Are there opportunities to further expand our relationship with Greenland through the new U.S. Consulate in Nuuk opened under President Trump?

Answer. The reopening of the U.S. Consulate in Nuuk in 2020 after a 67-year hiatus is emblematic of the U.S. desire to deepen engagement with Greenland. The United States also relaunched the Joint Committee with Greenland in 2021 to structure cooperation. The Consulate in Nuuk is fully operational and is moving the relationship forward through engagement that encourages trade and investment, promotes sound mining and energy sector governance, increases collaboration on global challenges like climate change, and seeks to strengthen educational and people-to-people ties. If confirmed, I would ensure that our engagement with Greenland through the Consulate in Nuuk remains robust as we deepen our relationship with Greenland.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO CONSTANCE J. MILSTEIN BY SENATOR JAMES E. RISCH

Question. In the State Department's 2021 Trafficking in Persons report, Malta remained on Tier 2 due to a continued lack of identification of victims, as well as a lack of prosecutions and convictions of suspected human traffickers.

- What is your assessment of this issue, and how can you encourage the Maltese Government to increase their efforts to prosecute and convict suspected traffickers?

Answer. Malta does not fully meet the minimum standards for the elimination of trafficking, pursuant to the Trafficking Victims Protection Act (TVPA). While Malta is making significant efforts to do so, if it is to make real progress, a whole-of-government approach—resulting in appreciable progress in protection, prosecution, and prevention—will be required.

If confirmed, I will encourage the Government of Malta to take concrete steps to address the recommendations from the 2021 Trafficking in Persons Report. Specifically, I will encourage the Government to increase their efforts to hold traffickers accountable, including complicit officials, implement effective and dissuasive penalties for traffickers, and address gaps in victim identification and protection.

Question. In the State Department's 2020 International Religious Freedom report, societal and governmental respect for religious freedom was lacking, including the Government prolonging a request to build a new church for two years. In addition, religious minorities struggle to find equitable space to practice their religion.What is your assessment of religious freedom and societal/governmental respect for religious freedom in Malta?

Answer. Freedom of religion and belief are important principles for me. Malta's constitution establishes Roman Catholicism as the state religion but provides for freedom of conscience and religious worship and prohibits religious discrimination.

I understand that in response to calls for access to cremation from religious minorities in Malta, including the Hindu community, Malta passed a law legalizing cremation services in 2019. However, to date, the Maltese Government has failed to license a crematoria for the Hindu community's use. In July 2021, the Government announced plans to include a crematorium in an upcoming cemetery extension project. I also understand the Government has not acted on a Russian Orthodox application, pending since 2017, to build a church, and that the Maltese Government has not implemented past proposals to offer voluntary Islamic religious education in state schools.

Question. If confirmed, how will you work with the Maltese Government on these issues?

Answer. If confirmed, I will work with the expertise and support of Embassy Valletta to engage across the Maltese Government to promote respect for freedom of religion and belief and ensure continued progress on ensuring the rights of members of religious minority groups. I will also continue Embassy Valletta's work to promote freedom of religion or belief through broad-based engagement with religious and civil society actors, opinion pieces in the media, and outreach on social media.

Question. If confirmed, do you commit to personally meeting with members of civil society to discuss the importance of religious freedom?

Answer. If confirmed, I am committed to personally working with civil society to advocate for freedom of religion and belief for members of all religious groups and supporting efforts of all faith communities to collectively advocate on religious free-

dom issues. Embassy Valletta has an important role to play in ensuring robust engagement with civil society on religious freedom. Embassy officials regularly meet with representatives from a wide variety of religious groups to broaden understanding of and messaging on freedom of religion and belief.

Question. In the State Department's 2020 Human Rights Report, Malta was noted for having significant human rights abuses including unlawful detention and high-levels of corruption. If confirmed, how will you engage with the Maltese Government on these issues?

Answer. The United States and Malta work closely together to improve human rights and rule of law in the country. Specifically, this includes judicial reform and transparency in the financial sector, press freedom, and the treatment of migrants. We also work together to counter transnational crime, gender-based violence, and trafficking in persons.

An independent public inquiry on the 2017 murder of Daphne Caruana Galizia, an important Maltese investigative journalist, revealed a culture of impunity supported by individuals in positions of significant power. Impunity fuels corruption. The newly elected Government of Malta's acceptance of the findings of the inquiry and commitment to implement the inquiry's recommendations to address the culture of impunity through legal action and rule of law reforms are good signs, but more work remains.

If confirmed, I will encourage Malta to continue to seek justice for Daphne Caruana Galizia and rebuild trust in its legal system. I will also continue U.S. support for Malta's rule of law reforms and implement programs focused on press freedom.

Question. If confirmed, how can you continue to engage with civil society to bolster human rights and human rights defenders in country?

Answer. If confirmed, I will continue Embassy Valletta's engagement with civil society to support human rights and human rights defenders across the country. I will also continue Embassy Valletta's work to emphasize the importance of a free and independent press, to support the work of independent journalists, and to strengthen their profile as anti-corruption advocates.

Question. In this report, there were allegations that the Maltese Government delayed safe disembarkation of refugees at sea and then forcibly returned them to Libya. If confirmed, do you commit to encouraging the Maltese Government to not commit refoulement of refugees?

Answer. If confirmed, I commit to encouraging the Maltese Government to uphold its international non-refoulement obligations. Although migrant arrivals by boat have dropped since 2019, Malta continues to highlight this issue and its potential impact on the country. If confirmed, I will continue to work with the Maltese Government, international organizations, and NGOs to humanely address issues associated with irregular migration.

Question. The Office of Multilateral Strategy and Personnel (MSP) in the State Department's bureau of International Organizations is leading a whole-of-government effort to identify, recruit, and install qualified, independent personnel at the U.N., including in elections for specialized bodies like the International Telecommunications Union (ITU). There is an American candidate, Doreen Bodgan-Martin, who if elected would be the first American and first woman to lead the ITU. She is a tough race that will require early, consistent engagement across capitals and within the U.N. member states.

- If confirmed, do you commit to demarching the Maltese Government and any other counterparts necessary to communicate U.S. support of Doreen?

Answer. Doreen Bogdan-Martin is a forward-looking, inclusive, and globally recognized leader, and would be the right leader at the right time for the ITU. She is already leading efforts as Director of ITU's Telecommunication Development Bureau to transform the global digital landscape to improve connectivity, close gaps in infrastructure, elevate youth voices, and make the digital future more inclusive and sustainable for all. If confirmed, I will work closely with the Bureau of International Organizations (IO) to support Ms. Bogdan-Martin's candidacy and encourage Malta to vote for her for ITU Secretary-General.

Question. If confirmed, how can you work with the International Organizations (IO) bureau and other stakeholders to identify, recruit, and install qualified Americans in positions like the Junior Program Officer (JPO) program at the U.N.?

Answer. If confirmed, I will prioritize working with all stakeholders to promote the employment of qualified U.S. citizens who are able to advance American prior-

ities such as innovation, ethical standards, transparency, and accountability at international organizations, while bringing important skills and specializations. I believe the JPO program offers a unique opportunity for the United States to invest in the career development of qualified young Americans and will make needed progress in expanding the number and distribution of Americans working in international organizations. If confirmed, I will actively support efforts by the Department of State to identify opportunities for JPOs.

Question. How do you plan on leading the fight against corruption in Malta within the U.S. Embassy?

Answer. Corruption inflicts substantial costs upon the economy, society, and security of a country and undermines rule of law and citizens' faith in their Government. This directly impacts U.S. national security, economic, and foreign policy interests. If confirmed, I will work with Embassy Valletta, our partners throughout the U.S. Government, and the Maltese Government to combat corruption and promote the rule of law.

On December 22, 2021, the State Department publicly designated two former senior Maltese officials, Keith Schembri, Chief of Staff to the former Prime Minister, and Konrad Mizzi, former Minister for Energy and the Conservation of Water, under Section 7031(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021, prohibiting them and their immediate family members' travel to the United States, due to their involvement in significant corruption. These publicly announced designations reinforce the U.S. Government's commitment to combatting corruption globally and send a strong signal that the United States will continue to act against corruption.

I am pleased that the Government of Malta has outlined the specific goals of fighting corruption, including increasing transparency of ultimate beneficial owners, ensuring the integrity of public officials, and implementing a national anti-fraud and corruption strategy as part of its Summit for Democracy commitments. If confirmed, I will work closely with the Government to support these important efforts to counter corruption.

Question. What can the United States do to support anti-corruption efforts in Malta?

Answer. If confirmed, I will continue U.S. support for Malta's rule of law reforms and implement programs focused on tackling corruption in all its forms. This includes supporting the work Embassy Valletta is doing with our partners in the Maltese Government and civil society to promote systemic rule of law reform focused on countering corruption.I also understand that the Department of State is using all available tools to promote accountability for corruption globally, including Section 7031(c) visa restrictions and, in consultation with the Department of Treasury, financial sanctions authorities such as Global Magnitsky Act. If confirmed, I will fully support the U.S. Government's use of all appropriate tools to combat global corruption.

Question. How will you encourage the Maltese Government to ensure its economy is not used as a haven for ill-gotten gains and money laundering?

Answer. In June 2021, the Financial Action Task Force (FATF), an international standard-setting body focused on anti-money laundering and combating the financing of terrorism (AML/CFT), placed Malta on its list of Jurisdictions Under Increased Monitoring (also known as the grey list), for reasons including its flawed approach to ultimate beneficial ownership information and insufficient investigations into and prosecutions of financial crimes including tax evasion.

I understand that Embassy Valletta has welcomed Treasury, Department of Justice (DOJ), State Department Bureau of International Narcotics and Law Enforcement (INL), and U.S. law enforcement experts' assistance to address Malta's rule of law deficiencies. This assistance aided in Malta's continued implementation of the FATF Action Plan, and helped improve Malta's financial regulatory, investigative, policing, and prosecutorial mechanisms to tackle evolving money laundering and illicit finance related risk. I also understand that a U.S. Department of Justice regional legal advisor embedded at Embassy Valletta worked with the Maltese authorities to draw up a roadmap for improving criminal justice procedures, streamlining critical evidentiary procedures, building capacity, and implementing new measures to deter money laundering.

If confirmed, I will lead Embassy Valletta's work harnessing the U.S. Government interagency to work with our partners in the Maltese Government and civil society to promote systemic rule of law reform to strengthen Malta financial regulatory environment and improve Malta's efforts to counter money laundering.

Question. Wealthy Chinese, Russian, and other nationals continue to purchase citizenship in Malta, despite protestations from the EU. What are your views on this issue, and how would you engage with the Government with Malta on it?

Answer. The potential for abuse by bad actors is concerning. While the EU has lodged objections, the Government of Malta insists its citizenship by investment program is a matter of national sovereignty and has thus far been unwilling to end the program.

It is my understanding that Malta has recently taken several important steps to prevent bad actors from using this program. Specifically, I understand Malta has reworked the program, increasing the vetting of applicants and raising the financial bar for investment. In response to Russia's war of aggression against Ukraine, Malta also publicly announced suspension of applications for citizenship and residency by applicants who are nationals of the Russian Federation or Belarus. I also understand that Malta has taken steps to strip Maltese citizenship from a Russian Federation dual national sanctioned by the United States.

If confirmed, I would work with the Government of Malta to highlight the evolving risks of its citizenship by investment program and encourage the most rigorous vetting possible of citizenship applicants. This includes preventing Russia's elites and their family members with ties to the Putin regime or anyone involved in supporting Russia's unprovoked and unjustifiable war against Ukraine from seeking loopholes to evade sanctions or other restrictions.

Question. Malta has not been very forthcoming in offering assistance to Ukraine, which was recently invaded by Russia.

• Why do you believe that Malta has not undertaken to support Ukraine more?

Answer. I understand that Malta has supported strong EU sanctions and taken other independent measures to isolate Putin's regime in response to Russia's unjustified and unconscionable war against Ukraine. In addition, I understand Malta is providing humanitarian aid to Ukraine, including medicines and medical equipment, and welcoming refugees from Ukraine to Malta in accordance with EU commitments and in line with the neutrality clause outlined in their constitution.

Question. If confirmed, what actions will you take to persuade Malta to contribute more to the international effort to support Ukraine?

Answer. If confirmed, I will work with the Maltese Government to ensure that all diligence is taken to prevent anyone involved in supporting Russia's unprovoked and unjustifiable war against Ukraine from evading sanctions or other restrictions. I would also encourage Malta to offer as much humanitarian assistance as possible to help the people of Ukraine.

Question. Malta continues to be a safe haven for Russian oligarchs who seek to evade the international sanctions regime against Russia, Putin, and his crony oligarchs. How do you plan to engage with the Maltese Government to increase its focus and resources on sanctions implementation and enforcement?

Answer. I understand that Malta has supported strong EU sanctions and taken other independent measures to isolate Putin's regime in response to Russia's unjustified and unconscionable war against Ukraine.

If confirmed, I will work with the Maltese Government to ensure that all diligence is used to prevent anyone involved in supporting Russia's brutal, unprovoked, and unjustifiable war from evading sanctions or other restrictions. I would ensure that Embassy Valletta engages with the U.S. interagency to ensure that we can provide Malta with the support it needs to vigorously enforce sanctions against Russia.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO CONSTANCE J. MILSTEIN BY SENATOR MARCO RUBIO

Question. Malta is one of the few countries to maintain a "golden visa" program, where Maltese citizenship is conferred to anyone who invests at least 750,000 euros in the Maltese economy. For the millionaires and billionaires that prop up the regimes in Moscow and Beijing or the leaders of transnational criminal organizations, this is very small sum to pay to enjoy all the benefits democracies confer. Immigration into the United States is much easier for Maltese citizens than it is for Russian and Chinese citizens. Without serious vetting and oversight, golden visa programs mean that war criminals and corrupt businessmen could be living here in the United States.

- Do you have concerns with Malta's golden visa program and its abuse by corrupt actors and organized crime? Why or why not?

Answer. The potential for abuse by corrupt actors and organized crime is concerning. While the EU has lodged objections, the Government of Malta insists its citizenship by investment program is a matter of national sovereignty and has thus far been unwilling to end the program.

It is my understanding that Malta has recently taken several important steps to prevent bad actors from using this program. Specifically, I understand Malta has reworked the program, increasing the vetting of applicants and raising the financial bar for investment. In response to Russia's war of aggression in Ukraine, Malta publicly announced suspension of applications for citizenship and residency by Russian and Belarusian applicants. I also understand that Malta has taken steps to strip Maltese citizenship from a Russian dual national sanctioned by the United States.

If confirmed, I would work diligently with our partners in the Maltese Government and civil society to champion rule of law to fight corruption.

Question. If confirmed, what steps will you take to protect the United States so that individuals who have taken advantage of the golden visa system are unable to immigrate here?

Answer. If confirmed, my top priority would be to ensure the safety and security of U.S. citizens and of the United States. I would continue our strong coordination efforts with our partners in the Maltese Government to ensure U.S. consular officers and U.S. law enforcement officials have the right information to effectively vet all individuals seeking to enter the United States from Malta. I understand that the United States has a strong relationship with Maltese law enforcement. If confirmed, I would seek to deepen these partnerships.

Any foreign citizen seeking to enter the United States, whether to visit or to immigrate, must meet strict legal requirements and pass extensive security vetting.

Question. If confirmed, how would you encourage Malta to reform its golden visa system?

Answer. If confirmed, I would work with the Government of Malta to highlight the evolving risks of its citizenship by investment program and ensure the most rigorous vetting possible of citizenship applicants. This includes preventing Russia's elites and their family members with ties to the Putin regime or anyone involved in supporting Russia's unprovoked and unjustifiable war from seeking loopholes to evade sanctions or other restrictions.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. JANE HARTLEY BY SENATOR JAMES E. RISCH

Question. If confirmed, will you commit to working with our UK partners to ensure sufficient burden sharing in response to historic levels of food insecurity and for advancing the global health security of our respective citizens and partners?

Answer. The United States has made clear global food security is a top priority issue, including for the United States' May presidency of the U.N. Security Council. This issue is even more urgent in light of Russia's unconscionable war against Ukraine. I understand Secretary Blinken will chair a Security Council open debate on May 19 to examine the nexus between conflict and food security. While much more remains to be done to end the COVID–19 pandemic and manage its impacts, the UK spent over $2 billion in 2020 and 2021 on COVID–19 response, and in 2022 made new commitments and hosted the Global Pandemic Preparedness Summit, raising over $1.5 billion for CEPI. If confirmed, I will work with our UK partners to ensure burden sharing that enables a robust response to food insecurity around the world, and to advance the global security of our citizens and partners.

Question. In the State Department's 2021 Trafficking in Persons report, the United Kingdom was again ranked as Tier 1 due to serious and sustained efforts to meet the minimum standards to eliminate trafficking. However, there were some instances in which the Government penalized victims for unlawful acts traffickers compelled them to commit.

- If confirmed, how will you work with the UK Government to address these issues?

Answer. The UK prioritizes the protection of human rights and introduced The Modern Slavery Act in 2015 to strengthen laws to prosecute and convict human

traffickers, increase protections for survivors, and impose reporting requirements to prevent forced labor in organizations' operations and supply chains. The annual Trafficking in Persons report makes clear, however, that countering human trafficking around the world requires ongoing effort and progress. The 2021 recommendations to the UK include ensuring victims are not penalized for unlawful acts their traffickers compelled them to commit, and if confirmed I would work with UK legislators, law enforcement, and immigration authorities to encourage continued improvement on this and the other recommendations in the TIP report to combat human trafficking and work to create a more fair, equitable world.

Question. In the prioritized recommendations for the UK, the Department emphasized robust prosecutorial and conviction efforts of suspected traffickers, especially in Scotland and Northern Ireland. If confirmed, do you commit to raising the prioritized recommendations with the local Governments in Scotland and Northern Ireland to increase their prosecutorial efforts?

Answer. The Embassy in London and the Consulates General in Edinburgh and Belfast have regular contact with both national and local officials. If confirmed, I commit to raising the prioritized recommendations with appropriate national and local officials across the UK, including in Scotland and Northern Ireland, to urge them to increase their prosecutorial efforts.

Question. In the State Department's 2020 International Religious Freedom report, the U.S. Embassy in the UK had robust engagement with government officials, political parties, and religious groups to advance religious freedom issues. The 2020 report also observed the first decline in religiously motivated hate crimes in England and Wales in roughly the last ten years.

- What is your assessment of religious freedom and societal/governmental respect for religious freedom in the UK?

Answer. It is encouraging to see a decline in religiously motivated hate crimes in England and Wales in 2020. However, according to the 2020 International Religious Freedom Report, rates of religiously motivated hate crimes remained higher than in recent previous years, indicating a need for continued efforts to promote religious tolerance. If confirmed as Ambassador, I would work with the UK Government to ensure continued progress to advance both societal and governmental respect for religious freedom in the UK.

Question. If confirmed, how will you work with the UK Government on these issues?

Answer. The UK is a strong partner on advancing religious freedom issues, and in July 2022 will host a ministerial to promote freedom of religion and belief. If confirmed, I would work with the expertise and support of the staff of Mission UK, to engage across the UK Government, including with the Prime Minister's Special Envoy for Freedom of Religion or Belief, the Independent Advisor on Antisemitism, and the Equality and Human Rights Commission to advance religious freedom issues and ensure continued progress on issues such as reducing religiously motivated hate crimes.

Question. How can you build upon this work to ensure robust engagement with civil society?

Answer. The U.S. Mission to the UK has an important role to play to ensure robust engagement with civil society on religious freedom matters. Embassy officials regularly meet with representatives from a wide variety of religious groups to broaden understanding of and messaging on freedom of religion and belief. If confirmed, I will work with civil society to advocate for religious freedom for members of all religious groups, and support efforts of all faith communities to collectively advocate on religious freedom issues.

Question. If confirmed, do you commit to personally meeting with members of civil society to discuss the importance of religious freedom?

Answer. In my previous post as Ambassador, I made it a priority to personally meet with members of faith communities and civil society to discuss the importance of religious freedom and gain a broad understanding of views across the country, including through hosting events for significant religious holidays. If confirmed, I commit to personally meeting with members of civil society to discuss the importance of religious freedom.

Question. In the State Department's 2020 Human Rights Report, the UK had no reports of significant human rights abuses and there were mechanisms in place to identify and punish officials who may commit them.

- Despite the positive human rights environment, if confirmed, how can you continue to engage with civil society to bolster human rights and human rights defenders in country?

Answer. The UK is a committed leader on the protection and promotion of human rights. For example, the UK is the current co-chair of the Equal Rights Coalition, a grouping of 42 countries that work on rights of LGBTQI+ persons and will host a global conference on rights of LGBTQI+ persons in in June 2022. However, as current events around the world make clear, we cannot take human rights for granted. If confirmed, I will continue to engage with the UK Government and with civil society across the UK to bolster human rights and human rights defenders across the country including engaging with NGOs to counter discrimination and hate crimes.

Question. The Office of Multilateral Strategy and Personnel (MSP) in the State Department's bureau of International Organizations is leading a whole-of-government effort to identify, recruit, and install qualified, independent personnel at the U.N., including in elections for specialized bodies like the International Telecommunications Union (ITU). There is an American candidate, Doreen Bodgan-Martin, who if elected would be the first American and first woman to lead the ITU. She is a tough race that will require early, consistent engagement across capitals and within the U.N. member states.

- If confirmed, do you commit to demarching the UK Government and any other counterparts necessary to communicate U.S. support of Doreen?

Answer. Doreen Bogdan-Martin is a forward-looking, inclusive, and globally recognized leader, and would be the right leader at the right time for the ITU. She is already leading efforts as Director of ITU's Telecommunication Development Bureau to transform the global digital landscape to improve connectivity, close gaps in infrastructure, elevate youth voices, and make the digital future more inclusive and sustainable for all. If confirmed, I will commit to supporting her candidacy wholeheartedly on behalf of the United States, including demarching the UK Government and other counterparts as necessary to communicate U.S. support for her candidacy.

Question. If confirmed, how can you work with the International Organizations (IO) bureau and other stakeholders to identify, recruit, and install qualified Americans in positions like the Junior Program Officer (JPO) program at the U.N.?

Answer. It is imperative the officers of the U.N. maintain strong commitments to the U.N.'s founding principles, including respect for the international order, resolution of disputes by peaceful means, and respect for human rights and fundamental freedoms. If confirmed, I would coordinate closely with the IO bureau and other stakeholders to support efforts to identify, recruit, and install qualified Americans at the U.N., including in positions like the Junior Program Officer program.

Question. How will you coordinate U.S. and UK responses to the war in Ukraine with regard to: security assistance, sanctions, humanitarian aid, refugees, and diplomacy?

Answer. The United States has engaged in robust cooperation with the UK and other close partners, including bilaterally and multilaterally through NATO and the G7 to garner support for and coordinate strong united responses to Putin's brutal war in Ukraine. On security assistance, the UK has led two separate donor conferences for defense colleagues to corral and coordinate assistance and combine the U.S. and UK has provided billions of dollars in security assistance. On sanctions, the United States and the UK share common views and approaches on many sanctions, and the UK has made more than 1,400 designations since the beginning of Russia's invasion of Ukraine. If confirmed, I will work with the Department and Mission UK to continue close coordination between U.S. and UK security assistance, sanctions, humanitarian aid, refugees, and diplomacy in response to Moscow's war against Ukraine.

Question. Russian oligarchs and officials hold large amounts of wealth in the UK. How can the UK limit the Russian influences embedded in its economy?

Answer. I have seen how the UK has been in lockstep with the United States on exacting military, economic, and political costs for Putin's war in Ukraine, including taking significant steps to root out Russian illicit finance and sources of revenue for Putin in the UK. The UK Government also has imposed severe financial sanctions on President Putin, his inner circle, Russian oligarchs, and all who enable and fuel this war of choice—more than 1400 designations. In March, the UK enacted the Economic Crimes Act, making it easier to sanction groups of corrupt individuals, and harder for them to hide their money in the UK, particularly in real estate. Also in March, the UK announced it would phase out all imports of Russian oil by the

end of 2022. There remains more work to be done, and if confirmed, I will advocate strongly for further measures to limit Russian influence in the UK economy, such as through robust use of the UK's new investment screening law.

Question. How can the U.S. urge or help the UK to identify and appropriately freeze or seize Russian assets in their jurisdiction?

Answer. While I am not privy to the specifics, I understand the United States and the UK maintain robust law enforcement cooperation multilaterally, including through the Five Eyes partnership, and bilaterally on a broad range of law enforcement matters. In March the G7, including the UK, launched the Russian Elites, Proxies, and Oligarchs (REPO) Task Force to identify and seize assets, including boats, planes, helicopters, real estate, and potentially art or other property. Each member jurisdiction uses its respective national authorities to collect and share information to enable U.S. and partner actions. If confirmed, I will work to maintain and develop cooperation, including through the law enforcement agencies represented at Mission UK, to provide the appropriate information to help the UK identify and appropriately freeze or seize Russian assets in their jurisdiction.

Question. How can we message that although the UK has made great contributions to counter Russia, it still needs to confront the difficult problem of the vast Russian wealth in its economy?

Answer. The UK has made incredible contributions to the effort to counter Putin's unjustified and brutal war in Ukraine. UK Prime Minister Johnson recognized in his May 3 speech to the Ukrainian parliament the West had been "too slow" to grasp the threat, acknowledging more needed to be done. If confirmed, I will engage directly with senior UK officials to advocate for continued and amplified efforts to root out illicit Russian finance in the UK through tools such as the Economic Crimes Act and to enforce strong protections against undue foreign influence, such as through the UK's investment screening law, the National Security and Investment Act.

Question. Brexit has necessitated changes in U.S.-UK relations as the UK is longer part of the EU. What challenges do you anticipate in maintaining consistency between U.S.-UK and U.S.-EU relations?

Answer. Transatlantic peace, security, and prosperity are best served by a strong UK, a strong EU, and the closest possible relationship between the two. The United States has a special relationship with the UK and an indispensable partnership with the EU, and if confirmed I will work to ensure these allies will continue to be the United States' partners of first resort on a range of shared priorities. If confirmed, I will work closely with UK officials and with Washington to maintain consistency on U.S.-UK relations, which continue to provide new opportunities for growth resulting from the UK's internationally focused "Global Britain" policies. While the U.S. Ambassador to the EU will lead on U.S.-EU relations, I will consult closely with him to support his efforts to maintain consistency in the transatlantic relationship. If confirmed, I look forward to working to address the range of global challenges as the UK and the EU continue to adjust to their new post-Brexit relationship.

Question. How will you coordinate diplomatic strategy with the U.S. Ambassador to the EU?

Answer. Close cooperation and coordination between the U.S. Embassy in London, U.S. Consulate General in Belfast, and U.S. Mission to the European Union are vital to ensure the Department of State and the U.S. Government are speaking with one voice and understand the complexities of a changing UK–EU relationship and its implications for transatlantic relations more broadly. If confirmed, I will consult closely and regularly with U.S. Ambassador to the EU Mark Gitenstein on these issues and encourage the Embassy team to maintain close contact at all levels with their colleagues at the U.S. Mission to the EU.

Question. The fate of the Northern Ireland Protocol is still uncertain, how will you work with the UK's foreign ministry to protect U.S. interests in the Irish-UK trade relationship?

Answer. If confirmed, I will work with Her Majesty's Government to encourage all parties to prioritize political and economic stability and to resolve their differences through continued dialogue. I would emphasize the need to ensure any steps taken do not undermine the progress made since the Belfast/Good Friday Agreement. The United States has a special relationship with the UK and an indispensable partnership with the EU, and if confirmed I will work to ensure both continue to be the United States' partners of first resort on a range of shared priorities.

Question. How will you coordinate diplomatic strategy with the U.S. Ambassador to Ireland?

Answer. If confirmed, I will work with my counterpart at the U.S. Embassy in Dublin on a range of issues, including supporting the Belfast/Good Friday Agreement. I will also coordinate with the U.S. Ambassador to the EU on issues such as the Northern Ireland Protocol.

Question. Britain is facing a severe energy crisis, which has only been compounded by the recent decision to phase out Russian imports.

- What are the greatest problems the UK currently faces due to energy?

Answer. Domestic issues in addition to the spike in energy demand as the UK economy opened after the pandemic and disruptions to the global energy market caused by Putin's invasion of Ukraine have contributed to rising energy prices in the UK. The UK's energy policy is driven by its commitment to reaching net zero greenhouse gas emissions by 2050 and it has made significant investments in renewable energy, including offshore wind. The UK is a net importer of crude oil and natural gas and has announced it will stop most overseas oil and gas project financial support and advocacy. In March, the UK announced it would phase out all imports of Russian oil by the end of 2022. With this established, the UK is better positioned than most in the region as it only imports five percent of its natural gas supplies from Russia. Further, approximately eight percent of UK oil imports came from Russia in 2021. While better positioned to phase out Russian oil and natural gas, this will not mean the UK is insulated from price shocks or demand spikes across the region. Additionally, more than half of the UK's operating nuclear reactors are reaching the end of their operating life and are set to close by mid-2024, removing a large share of zero emissions power generation.

Question. How can the U.S. help the UK solve this crisis?

Answer. The UK has been a leader in efforts to mobilize private finance for renewable and net-zero energy, including through their leadership of COP26. Further, on the UK's aging nuclear fleet, Her Majesty's Government (HMG) plans to approve a new reactor each year until 2030, with the aim of having all operational by 2050. They will be looking for international partners. If confirmed, I will work with Mission UK and Her Majesty's Government to continue to identify opportunities to mobilize financing for energy generation and identify and support alternate sources of energy.

Question. How will you balance your messaging to Britain on the need to invest in clean energy while also maintaining energy stability and security?

Answer. The UK's April 2022 Energy Security Strategy identifies the need balance investment in clean energy and maintaining energy stability and security. If confirmed, I will work with the UK to identify avenues to support additional and expedited investment in clean energy and to improve energy stability and security.

Northern Ireland

Question. There have been reports that the UK will seek to abandon the Northern Ireland Protocol as there has so far been no success in creating a sustainable solution to trade in the region.

- As Ambassador, how will you protect U.S. trade interests as they relate to Ireland and the UK?

Answer. The U.S. priority remains protecting the gains of the Belfast/Good Friday Agreement, and peace, stability, and prosperity for the people of Northern Ireland. I understand the UK is concerned about the implementation of the Northern Ireland Protocol and recognize this is a bilateral issue between the UK and EU. If confirmed, I will encourage all parties to prioritize political and economic stability and to resolve their differences through continued dialogue. I would emphasize the need to ensure any steps taken do not undermine the progress made since the Belfast/Good Friday Agreement.

Question. How will you work to uphold the Northern Ireland Peace Process throughout any Brexit and NI Protocol related negotiations?

Answer. Northern Ireland has made tremendous progress since the 1998 Belfast/Good Friday Agreement. I understand the United States has encouraged the EU and UK to continue engaging in dialogue that will enhance the prospect for longterm and provide positive solutions that give Northern Ireland businesses and people the confidence to continue to improve their economy. If confirmed, I will do the same.

Question. What is the status of the W93 warhead program, and its relationship with British nuclear modernization?

Answer. Although I am aware of the W93 modernization program and our cooperation with the UK on strategic nuclear deterrence, I am not a government official and have not been briefed on the latest information. If confirmed I will promote continued close defense cooperation with the United Kingdom.

Question. Russia is increasing its nuclear threats against the UK, to include a recent threat on state television to employ the Poseidon nuclear drone to cause a radioactive flood across Ireland, the UK, and coastal France. How is the U.S. supporting the UK in countering such threats? Does U.S. policy guidance to "reduce the role of nuclear weapons in our strategy," and budget requests to divest capabilities such as the submarine-launched cruise missile—nuclear (SLCM–N) in effect reward such threats, and embolden Russia to deliver more?

Answer. The fundamental role of U.S. nuclear weapons is to deter nuclear attack on the United States, U.S. allies, and partners, including the United Kingdom. Our alliances are a tremendous source of strength and a unique advantage for the United States; the Administration is reinvesting in them. Provocative nuclear rhetoric is dangerous, adds to the risk of miscalculation, and should be avoided. If confirmed I would work closely with UK officials to coordinate against this threat in a manner that continues to demonstrate the transatlantic unity.

Question. The UK has led the world in pushing to assertively support Ukraine, and in doing so has implicitly downplayed the threat of Russian escalation. Have they struck the right balance between supporting Ukraine and mitigating the threat of escalation? What does this imply for other allies and partners?

Answer. The United Kingdom's strong support has bolstered Ukraine's ability to defend against Russia. UK support includes a May 3 announcement of €300 million to fund electronic warfare equipment, heavy lift drones, a counter battery radar system, GPS jamming equipment, night vision devices, Brimstone anti-ship missiles, and Stormer anti-aircraft systems. At the same time the UK has been an active participant at G7, NATO, and trans-Atlantic Quad meetings at which it has publicly underscored the importance of trans-Atlantic unity as a deterrent against an escalation by Russia. If confirmed I will coordinate with UK officials to continue making clear to Russia that it will face a swift and strong response to any escalatory actions it may take.

Question. What does the U.S. need from the UK in the event of Chinese aggression against Taiwan, the South China Sea, or the East China Sea?

Answer. The United States and UK continue to deepen cooperation in the Indo-Pacific region. The UK's renewed focus in the region, outlined in the 2021 Integrated Review, provides ample opportunity to increase our cooperation and presence in the region. For example, in 2021 the UK sent a joint carrier strike group with U.S. and Dutch participation to demonstrate freedom of navigation and interoperability. If confirmed I will work with UK officials to strengthen our cooperation in the Indo-Pacific region to deter any PRC aggression.

Question. What are the practical barriers to progress for increased cooperation in the Advanced Capabilities portion of AUKUS? How can the U.S. best address those barriers?

Answer. I understand that AUKUS partners have made strong progress in the four advanced capabilities that the President and Prime Ministers identified in September 2021, and have recently initiated work in four additional areas. The expanded the list of projects now includes hypersonics and counter-hypersonics, electronic warfare capabilities, information haring, and innovation. These initiatives will add to our existing efforts to deepen cooperation on cyber capabilities, artificial intelligence, quantum technologies, and additional undersea capabilities. The goal of these efforts is to foster deeper integration of security and defense-related science, technology, industrial bases, and supply chains. I have not been briefed on the classified details of these programs or barriers to further cooperation; if confirmed, I will work closely with UK officials to ensure a smooth and prompt implementation of AUKUS advanced capabilities projects.

Question. The UK joined Russia, China, France and the U.S. earlier this year in declaring the "a nuclear war can never be won and must never be fought." Given Russia's nuclear threats since then, does the UK believe Russia was lying when it signed on to that statement? Or does the UK believe that Russia has changed its stance since January?

Answer. While I have not been part of bilateral discussions and cannot know what the UK believes regarding Putin's trustworthiness, I can commit to working closely with UK officials, if confirmed, in order to sync our deterrence strategies to prevent nuclear war.

Question. What do you view as the overarching priority areas of the United Kingdom's policy towards China, and what are the top areas within which the United States and the United Kingdom should cooperate with respect to China?

Answer. The U.S. and UK approaches are closely aligned on policy toward the PRC. The UK—like the United States—seeks to counter, compete, or cooperate as needed with the PRC. The UK's overarching approach to the PRC, as characterized in its Integrated Review, is a systemic challenge, and identified the need to do more to adapt to the PRC's growing impact. The UK has undertaken measures to address Xinjiang forced labor and human rights concerns and has played a leadership role in condemning repeated PRC attempts to undermine Hong Kong's autonomy as guaranteed in the Sino-British Joint Declaration. During its presidency of the G7, the UK was a stalwart supporter of "open societies" and "open economies" through its promotion of democratic values and free and fair trade. If confirmed, I will deepen the already close U.S–UK coordination on the PRC and will seek to strengthen our efforts to defend the rules-based international order and our respective national security interests and our values.

Question. Last month, a Chinese investment group received Whitehall's approval to purchase one of Britain's few remaining semiconductor manufacturing plants.

- What are the risks posed by this purchase, and how should the United States respond?

Answer. The President has identified semiconductors and their supply chains as critical to national security. To my knowledge, the purchase occurred last year, and Whitehall has referred the case to Secretary of State for Business, Energy and Industrial Strategy Kwasi Kwarteng for review under new investment screening authorities provided by the National Security and Investment Act that took effect at the beginning of this year. If confirmed, I will work closely with UK officials to sync our efforts to protect critical supply chains for foreign interference or economic coercive practices.

Question. Britain's commissioner for biometrics and surveillance cameras has asked the British Government's to clarify its policy with respect to purchasing equipment from China's Hangzhou Hikvision Digital Technology. Hikvision was blacklisted by the U.S. Government in 2019 over Beijing's treatment of Uyghur Muslims and other ethnic minorities in Xinjiang.

- What are your views on this issue, and how would you engage with United Kingdom on matters related to technology and human rights?

Answer. The United States has made clear, and I concur entirely, that it is essential to support respect for the human rights of members of minority groups in the PRC and elsewhere, and to ensure that the U.S. financial system and American investors are not facilitating PRC Government efforts to persecute ethnic and religious minorities. If confirmed, I would work with UK counterparts to develop and promote democracy-affirming technologies and to mitigate the risks of authoritarian governments using technology to track, intimidate, or repress.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO HON. JANE HARTLEY BY SENATOR MARCO RUBIO

Question. Russia's current invasion of Ukraine has caused a severe oil shortage in Europe and the world. In the United States, gas prices have increased 44 percent since the start of the invasion, while they have increased much more in other countries, including the United Kingdom.

- If confirmed, how would you work with the British Government to address the inflation and supply chain crisis caused by Putin's war?

Answer. Domestic issues in addition to the spike in energy demand as the UK economy opened after the pandemic and disruptions to the global energy market caused by Putin's invasion of Ukraine have contributed to rising energy prices in the UK. President Biden has issued an executive order to bolster resilient, diverse, and secure supply chains. If confirmed, I will work with the UK, one of our closest economic partners with approximately $240 billion in trades and services, to align our supply chain strategies. Additionally, if confirmed I will work closely with our

UK partners to find economic solutions bilaterally and multilaterally that continue to hold the Kremlin to account while ensuring Putin's war of aggression against Ukraine has minimal impact on the American people.

Question. If confirmed, would you recommend that the British Government increase oil production in the North Sea?

Answer. The UK's energy policy is driven by its commitment to reaching net zero greenhouse gas emissions by 2050 and it has made significant investments in renewable energy, including offshore wind. The UK is a net importer of crude oil and natural gas and has announced it will stop most overseas oil and gas project financial support and advocacy. To that end, if confirmed I would work closely with our British counterparts to address the energy security needs of both our countries, particularly as we confront the impact of Putin's war of aggression against Ukraine on shared energy priorities and security.

Question. Do you think that increase U.S. oil and gas exports to Europe can more immediately counter rising prices than promoting long-term investments in renewable energy?

Answer. The United States is working simultaneously on short-term and long-term responses to counter Russian attempts to use energy as a weapon. The U.S. Government has been engaging U.S. LNG companies and working with partners around the world to diversify natural gas supply to Europe to address the near-term need and replace volumes that would otherwise come from Russia. The President launched a task force with the EU in March that prioritizes efforts to increase LNG volumes for Europe. This will help replace Russian gas to Europe—decreasing Europe's dependence on Russia and Putin's ability to use energy as a tool of coercion. The United States is working over both the short- and long-term to also reduce the overall demand in Europe for natural gas by ramping up energy efficiency measures and accelerating renewable and other clean energy deployment.

Question. The enablers of Putin's regime in Russia—senior government officials and oligarchs—all keep their money abroad in banks in London and New York. If we really want to punish Putin and his regime for the crimes they're committing in Ukraine, then we need to target these accounts.

• To date, what is your assessment of the UK's to target and seize these assets?

Answer. While I am not privy to the specifics, I understand the United States and the UK maintain robust law enforcement cooperation multilaterally, including through the Five Eyes partnership, and bilaterally on a broad range of law enforcement matters. In March, the G7, including the UK, launched the Russian Elites, Proxies, and Oligarchs (REPO) Task Force to identify and seize assets, including boats, planes, helicopters, real estate, and potentially art or other property. Each member jurisdiction uses its respective national authorities to collect and share information to enable U.S. and partner actions. If confirmed, I will work to maintain and develop cooperation, including through the law enforcement agencies represented at Mission UK, to provide the appropriate information to help the UK identify and appropriately freeze or seize Russian assets in their jurisdiction.

Question. If confirmed, how would you work with the British Government and the sanctions offices here to form a coordinated sanctions strategy targeting these Russian oligarchs?

Answer. If confirmed, I would maintain our already robust cooperation on sanctions. Since the start of Russia's war against Ukraine, more than 30 Allies and partners have joined the United States in rolling out sanctions on more than 2,100 Russian and Belarusian targets. Our Allies and partners have shown an unprecedented, shared commitment to work together to impose costs on Russia. The UK is a leader in this group, having introduced the Economic Crime (Transparency and Enforcement) Act, which allows the UK to immediately designate individuals and entities that have been designated by the UK's allies.

Question. Similarly, how would you combat dirty money coming from the Chinese Communist Party?

Answer. I am heartened by the continued coordination between the United States and the UK to hold corrupt regimes accountable and ensure our jurisdictions do not serve as havens for illicit finance. If confirmed, I am committed to working with our partners in London to ensure our two financial systems are not a safe haven for oligarchs, government officials and political party members—from any country—who empty the public coffers of their citizens for their own gains.

Question. The U.S.-UK transatlantic market is one of the most important aviation markets in the world. This is a market dominated by airline joint ventures that have immunity from the U.S. antitrust laws. U.S. airlines, especially new entrants to the transatlantic market, are having significant difficulty securing access at London-area airports thus limiting competition in this important market.

- What are your views on competition in the transatlantic aviation market, and will you commit to help such airlines grow in the UK and ensure that they are treated fairly by the UK Government?

Answer. American consumers benefit from an open and transparent transatlantic aviation market. If confirmed, a key priority of mine would be to work with Department of Transportation and Department of Commerce colleagues to promote opportunities for American companies, including in the commercial aviation sector.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. JANE HARTLEY BY SENATOR TODD YOUNG

Question. If confirmed, how would you view your role in promoting and strengthening trade ties between the United Kingdom and the United States?

Answer. The UK is one of the United States' strongest trade and investment partners. If confirmed, it will be one of my top priorities to promote and strengthen trade ties between the United States and the UK and to see that economic bonds continue to grow and create American jobs. The United States and the UK have resolved numerous trade disputes over the past year, including on a June 2021 "cooperative framework" for large civil aircraft production and a March 2022 agreement to remove U.S. Section 232 tariffs for certain volumes of UK steel and aluminum products. The Section 232 tariff agreement also strengthens trade by countering unfair PRC practices that harm our industries and workers. If confirmed, I intend to work with the UK, across the interagency, and in consultation with Congress, to advance free, fair, and balanced trade between the United Kingdom and the United States.

Question. If confirmed, how would you operationalize the New Atlantic Charter signed in 2021 that emphasizes "open and fair trade?"

Answer. The New Atlantic Charter, released by President Biden and UK PM Johnson on the margins of the June 2021 G7 Leaders' Summit pledges to deepen cooperation on democracy and human rights, defense and collective security, science and innovation, and inclusive economic prosperity, and renew joint efforts to tackle the challenges posed by cybersecurity, climate change, biodiversity loss, and emerging threats. If confirmed I would work with the interagency and with Congress to strengthen trade with the UK that reflects the Biden-Harris administration's commitment to prioritizing America's working families. That includes supporting ongoing efforts to promote and strengthen trade ties, such as the recent U.S.-UK Dialogue on the Future of Atlantic Trade, which explored with a diverse group of stakeholders how we can collaborate to advance our shared trade priorities and promote a worker-centered, fair, and responsible global economy. I would also work to further strengthen our already close cooperation with the UK on addressing new and old challenges, as outlined in the Charter, and to counter the efforts of those who seek to undermine our values, alliances, and institutions.

Question. If confirmed, what would you see as your role as Ambassador in furthering AUKUS, the trilateral security pact between Australia, the UK, and the United States?

Answer. A free and open Indo-Pacific region is critical to the security and prosperity of the American people, and the AUKUS partnership will help defend and promote U.S. interests there for generations. I see my role as Ambassador, if confirmed, as working to fulfill our commitment to work with our closest ally to sustain peace and stability in the Indo-Pacific region. As Ambassador, I would work to promote efforts to strengthen trilateral security cooperation among Australia, the UK, and the United States through AUKUS and leverage the combined resources of these allies to direct more diplomatic, military, economic, and other resources to the region, including by further enhancing our cooperation on advanced capabilities.

Question. One of the elements of this AUKUS partnership is advanced capabilities, such as AI, cyber, and quantum technologies. In your view, how does this partnership with the UK further U.S. leadership in emerging technology?

Answer. Partnership with the UK and Australia on advanced capabilities, such as AI, cyber, and quantum technologies, will further U.S. leadership on emerging technology by enhancing our joint capabilities, interoperability, and fostering deeper information and technology sharing with our closest allies. AUKUS partners have made strong progress in the four advanced capabilities that the President and Prime Ministers identified in September 2021 and have recently initiated new trilateral cooperation on hypersonics and counter-hypersonics, and electronic warfare capabilities, as well as taken steps to expand information sharing and to deepen cooperation on defense innovation. Our cooperation will promote deeper information and technology sharing and foster further integration of security and defense-related science, technology, industrial bases, and supply chains. The United States and the United Kingdom both benefit from a firm foundation to help grow our economies through high-skill, high-paying jobs. Each nation also benefits from research centers through shared scientific breakthroughs and testing of next-generation military capabilities—combining our efforts to help the United States as well as its partners stay at the leading edge of technology advances. If confirmed, I look forward to representing U.S. interests as a leader in emerging technology.

Court Records Submitted by Alan M. Leventhal to Expand Upon His Response to Questions Posed by Senator Ron Johnson and Senator John Barrasso

Westlaw.

47 Fed.Cl. 382
47 Fed.Cl. 382
(Cite as: 47 Fed.Cl. 382)

United States Court of Federal Claims.
ENERGY CAPITAL CORP., as General Partner of Energy Capital Partners Limited Partnership Plaintiff,
v.
The UNITED STATES, Defendant.
No. 97-293 C.

Aug. 22, 2000.

Lender that agreed to provide loans to make Department of Housing and Urban Development (HUD) housing more energy efficient brought suit for breach of contract after HUD terminated the agreement. The Court of Federal Claims, Damich, J., held that: (1) lost profits of a new venture may be obtained from the United States in a breach-of-contract case if the plaintiff establish causation, foreseeability and reasonable certainty, and (2) lender established its entitlement to lost profits in the amount of $8,787,000.

Judgment for plaintiff.

West Headnotes

[1] **Damages 115 ⚷40(2)**

115 Damages

115III Grounds and Subjects of Compensatory Damages
115III(A) Direct or Remote, Contingent, or Prospective Consequences or Losses
115III(A)1 In General
115k35 Pecuniary Losses
115k40 Loss of Profits 115k40(2) k. Breach of Contract. Most Cited Cases
Lost profits damages serve to provide a plaintiff with those earnings that it would have realized absent a breach of contract.

[2] **Damages 115 ⚷40(2)**

115 Damages
115III Grounds and Subjects of Compensatory Damages
115III(A) Direct or Remote, Contingent, or Prospective Consequences or Losses
115III(A)1 In General
115k35 Pecuniary Losses
115k40 Loss of Profits 115k40(2) k. Breach of Contract. Most Cited Cases
In order to recover lost profits as damages for breach of contract, three elements are necessary: (1) the loss is the immediate and proximate result of the breach; (2) loss of profits in the event of breach was within the contemplation of the contracting parties; and (3) a sufficient basis for estimating the amount of profits lost with reasonable certainty.

[3] United States 393 ⚷74(15)

393 United States
393III Contracts
393k74 Rights and Remedies of Contractors
393k74(12) Damages and Amount of Recovery
393k74(15) k. Loss of Profits. Most Cited Cases
Lost profits of a new venture may be obtained from the United States in a breach-of-contract case if the plaintiff establishes causation, foreseeability and reasonable certainty.

[4] Damages 115 ⚷40(2)

115 Damages
115III Grounds and Subjects of Compensatory Damages
115III(A) Direct or Remote, Contingent, or Prospective Consequences or Losses
115III(A)1 In General
115k35 Pecuniary Losses
115k40 Loss of Profits 115k40(2) k. Breach of Contract. Most Cited Cases
Causation prong for recovery of lost profits in breach of contract case requires the injured party to demonstrate that the defendant's breach was a substantial factor in causing the injury.

[5] United States 393 ⚷74(15)

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393 United States
393III Contracts
393k74 Rights and Remedies of Contractors
393k74(12) Damages and Amount of Recovery
393k74(15) k. Loss of Profits. Most Cited Cases

Lender that brought suit against the government for breach of contract to provide loans to make Department of Housing and Urban Development (HUD) housing more energy efficient established that the government's breach was a "substantial factor" in causing it to lose profits inasmuch as HUD's termination of the loan program prevented the lender from originating any loans and from receiving any income based on the agreement.

[6] Damages 115 ⚷40(2)

115 Damages
115III Grounds and Subjects of Compensatory Damages
115III(A) Direct or Remote, Contingent, or Prospective Consequences or Losses
115III(A)1 In General
115k35 Pecuniary Losses
115k40 Loss of Profits 115k40(2) k. Breach of Contract. Most Cited Cases

To recover lost profits for breach of contract, it must be established that loss of profits in the event of breach was within the contemplation of the contracting parties either (1) because the loss was natural and inevitable upon the breach so that the defaulting party may be presumed from all circumstances to have foreseen it; or (2) if the breach resulted in lost profits because of some special circumstances, those circumstances must have been known to the defaulting party at the time the contract was entered into.

[7] United States 393 ⚷74(15)

393 United States
393III Contracts
393k74 Rights and Remedies of Contractors
393k74(12) Damages and Amount of Recovery
393k74(15) k. Loss of Profits. Most Cited Cases

Lender that brought suit against the government for breach of contract to provide loans to make Department of Housing and Urban Development (HUD) housing more energy efficient established foreseeability prong for the recovery of lost profits; at the time HUD entered into the contract, HUD must have understood that if it terminated the contract, then lender could not make any loans, and if lender could not make any loans, it could not earn any profits.

[8] Damages 115 ⚷117

115 Damages
115VI Measure of Damages
115VI(C) Breach of Contract
115k117 k. Mode of Estimating Damages in General. Most Cited Cases

To calculate lost profits as an element of damages, expenses are subtracted from revenue.

[9] United States 393 ⚷74(11)

393 United States
393III Contracts
393k74 Rights and Remedies of Contractors
393k74(11) k. Weight and Sufficiency of Evidence. Most Cited Cases

Lender that brought suit against the government for breach of contract to provide loans to make Department of Housing and Urban Development (HUD) housing more energy efficient established the amount of its lost profits resulting from termination of the program with reasonable certainty.

[10] Damages 115 ⚷117

115 Damages
115VI Measure of Damages
115VI(C) Breach of Contract
115k117 k. Mode of Estimating Damages in General. Most Cited Cases

Present value discounting, to the date of judgment, rather than the date of breach, is appropriate for those breach of contract damages that would have been earned in the future when viewed from the perspective of the date of judgment.

[11] Damages 115 ⚷117

115 Damages
115VI Measure of Damages
115VI(C) Breach of Contract
115k117 k. Mode of Estimating Damages in General. Most Cited Cases

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Future lost profits recoverable for breach of contract should be discounted to present value as of the date of judgment, not the date of breach.

[12] **Damages 115 ⚷163(4)**

115 Damages
115IX Evidence
115k163 Presumptions and Burden of Proof
115k163(4) k. Amount of Damages. Most Cited Cases
Burden of proof is on the defendant to establish the appropriate discount rate in discounting future damages to present value; reduction to present value lessens or mitigates the damages paid by the defendant, and since the defendant benefits from the discounting procedure, it is fair to place on it the burden of presenting the evidence to the court.

[13] **Damages 115 ⚷95**

115 Damages
115VI Measure of Damages
115VI(A) Injuries to the Person
115k95 k. Mode of Estimating Damages in General. Most Cited Cases
Appropriate rate for discounting future damages to present value is the rate of return on conservative investment instruments, and Treasury securities are "conservative investment instruments" for that purpose.

[14] **Evidence 157 ⚷18**

157 Evidence
157I Judicial Notice
157k18 k. Weights, Measures, and Values. Most Cited Cases
The rate of return on Treasury securities is a subject for which judicial notice is appropriate.

[15] **Damages 115 ⚷117**

115 Damages
115VI Measure of Damages
115VI(C) Breach of Contract
115k117 k. Mode of Estimating Damages in General. Most Cited Cases
Appropriate discount rate for discounting future lost profits in breach of contract case to present value was 5.90 percent, representing the rate of return on Treasury securities.

[16] **Evidence 157 ⚷18**

157 Evidence
157I Judicial Notice
157k18 k. Weights, Measures, and Values. Most Cited Cases
Court can take judicial notice of the formula for calculating the present value of future damages.

[17] **Damages 115 ⚷62(4)**

115 Damages
115III Grounds and Subjects of Compensatory Damages
115III(B) Aggravation, Mitigation, and Reduction of Loss
115k62 Duty of Person Injured to Prevent or Reduce Damage
115k62(4) k. Breach of Contract. Most Cited Cases
A nonbreaching party has a duty to attempt to mitigate its damages following another party's breach of contract; as such, the nonbreaching party may not recover those damages which could have been avoided by reasonable precautionary action on its part.

[18] **Damages 115 ⚷163(2)**

115 Damages
115IX Evidence
115k163 Presumptions and Burden of Proof
115k163(2) k. Mitigation of Damages and Reduction of Loss. Most Cited Cases
The party relying on the doctrine of mitigation of damages bears the burden of proving that the nonbreaching party failed to take reasonable precautions to limit the extent of the damage.

[19] **United States 393 ⚷74(12.1)**

393 United States
393III Contracts
393k74 Rights and Remedies of Contractors
393k74(12) Damages and Amount of Recovery

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393k74(12.1) k. In General. Most Cited Cases
Government did not establish that lender could have mitigated its breach of contract damages arising from government's termination of loan program to make Department of Housing and Urban Development (HUD) housing more energy efficient by pursuing similar programs with states that subsidize housing.

[20] United States 393 ⚷74(15)

393 United States
393III Contracts
393k74 Rights and Remedies of Contractors
393k74(12) Damages and Amount of Recovery
393k74(15) k. Loss of Profits. Most Cited Cases
Lender that prevailed in suit against the government for breach of contract to provide loans to make Department of Housing and Urban Development (HUD) housing more energy efficient did not establish that it was entitled to lost profits on loans that would have been generated after the $200 million limit of the agreement was exceeded, on theory that the program would have been so successful that HUD would have agreed to another contract.

[21] Damages 115 ⚷36

115 Damages
115III Grounds and Subjects of Compensatory Damages
115III(A) Direct or Remote, Contingent, or Prospective Consequences or Losses
115III(A)1 In General
115k35 Pecuniary Losses
115k36 k. In General. Most Cited Cases

Damages 115 ⚷45

115 Damages
115III Grounds and Subjects of Compensatory Damages
115III(A) Direct or Remote, Contingent, or Prospective Consequences or Losses
115III(A)1 In General
115k41 Expenses
115k45 k. Breach of Contract. Most Cited Cases
Reliance damages in breach of contract cases are limited to those expenses incurred after an agreement has been reached.

***384** Michael S. Gardener, Boston, MA, counsel of record for plaintiff. R. Robert Popeo, Beth I.Z. Boland, and Laurence A. Schoen, Boston, MA, of counsel.

Mark L. Josephs, Commercial Litigation Branch, Civil Division, U.S. Department of Justice, Washington, DC, for defendant, with whom were David W. Ogden, Assistant Attorney General; David M. Cohen, Director; and Jeffrey A. Belkin and Allison A. Page, of counsel. Carole W. Wilson, Angelo Aiosa, and Kathleen Burtschi, Department of Housing and Urban Development, of counsel.

OPINION AND ORDER

DAMICH, Judge.
The central issue in this case is the difficult question of whether lost profits of a new venture may be obtained from the United States in a breach-of-contract case. In the Court's view, precedent does not preclude, as a matter of law, this Court from awarding lost profits when the Plaintiff was involved in a new venture, and it does not preclude awarding lost profits in the context of a new venture, when the Defendant is the United States. True, lost profits are rarely awarded against the United States. "Rarely," however, is not the same as "never." The Court finds that this is one case where the Plaintiff is entitled to an award of lost profits. Therefore, the Court awards $8.787 million as the present value for the Plaintiff's lost profits.

The contract permitted the Plaintiff to originate up to $200 million in loans for energy-efficiency improvements for government-assisted housing. The Defendant conceded that it breached this contract by terminating it.

Even when the Plaintiff is involved in a new venture and when the Defendant is the United States, the Court's inquiry is the same: An award of lost profits is appropriate when the Plaintiff has established causation, foreseeability, and reasonable certainty. The Plaintiff has met its burden of proof for these elements by showing that the new venture would have succeeded.

In making the award, the Court finds that the Plaintiff could not mitigate its damages because the government's active

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consent to the program was a fundamental requirement for success. The amount of lost profits, however, is adjusted to discount the amount to a present value.

Although the Plaintiff is entitled to the award of lost profits, in order to promote judicial efficiency, the Court finds in the alternative that the appropriate measure of reliance damages is $876,567.09.

The Court's findings and analysis are presented in the following sections of the opinion:

I. Background 386
A. Multifamily Housing Industry 386
B. History of Energy Capital Partners 387
II. AHELP 387
A. General Explanation of the Agreement 387
B. Process to Originate an AHELP Loan 389
III. Performance Under and Termination of AHELP 390
IV. Parties' Position During Litigation 392
V. General Law for Lost Profits 393
VI. Causation and Foreseeability 395
A. Causation 395
1. Law 395
2. Analysis 395
B. Foreseeability 396
1. Law on Foreseeability 396
2. Analysis 396
VII. Reasonable Certainty: Part I-Amount of Loans Originated 396
A. Introduction 396
B. Overview of Plaintiff's Model 397
a. Energy Capital Evaluation 404

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C. Step 1: Eligible Units 397
D. Step 2: Energy Viability 400
E. Step 3: Willingness to Participate 403
1. Owner Interest 403
2. Other Disqualification 404
b. First Mortgagee Consent 404
(1) Fannie Mae 404
(2) Other First Mortgagees 405
(3) Summary of First Mortgagee Consent 407
3. Summary of Willingness to Participate 407
F. Analysis of Quantity of Loans Originated 408
G. Step 4: Average Loan Size 408
H. Total Revenue Generated 409

VIII. Reasonable Certainty: Part 2-Profitability 410

A. Cash Flow Models 410
B. Net Cash Flow 411
1. Total Loan Volume and Number of Loans 411
2. Total Revenue 411
3. Total Expenses 412
4. Analysis of Cash Flow 413
C. Summary of Reasonable Certainty Analysis 414

IX. Discounting to Present Value 415

A. Introduction 415
B. Date of Discounting 415
C. Rate for Discount 417
1. Parties' Arguments 417
D. Calculating Present Value 420

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2. Burden of Proof on Rate of Discount 417
3. Court's Ruling 418
4. Court's Alternative Findings of Fact 418
5. Conclusion on Discount Rate 419
1. Procedural Posture 420
2. Calculations 421
X. Mitigation of Damages 421
A. Introduction 421
B. Law 421
C. Background Facts Related to Mitigation 422
D. Arguments and Analysis 422
XI. Recovery of Lost Profits beyond $200 million limit 423
A. Introduction 423
B. Procedural Setting 423
C. Standard for Rule 52(c) 424
D. Findings and Analysis 425
XII. Reliance Damages 426
A. Law for Reliance Damages 426
B. Evidence for Reliance Damages 427

***386 I. Background**

A. Multifamily Housing Industry

The Department of Housing and Urban Development ("HUD") subsidizes and regulates a significant portion of the multifamily housing industry. The Federal Housing Administration ("FHA"), a section within HUD, provides financial assistance to various types of housing programs. The types of programs are named for various sections of the Housing Act of 1959. In this case, the parties are concerned with properties with loans insured under Section 236, under Section 221(d)(3), and under Section 221(d)(4), collectively referred to as the "Field Notice" properties. In addition, Section 202 properties are in issue.

The Field Notice properties share many common features. All of the eligible Field Notice properties have a mortgage that was insured by FHA. The mortgage and accompanying FHA regulations restrict the owners' rights in using the properties.

The regulations inhibit the owners' ability to encumber the property beyond the HUD-insured mortgage. Tr. 2364.[FN1] Because owners could not place an additional mortgage on their property, owners had difficulty raising capital to make

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physical improvements to the property. Without a security interest, lenders were unwilling to risk their money in a loan to a property with an FHA-insured mortgage.

FN1. The following abbreviations are used: "Tr." for trial transcript, "PX" for Plaintiff's Exhibit, and "DX" for Defendant's Exhibits. Although the AHELP Agreement was PX 1 and DX 1, for simplicity the Court cites it by section number.

The Court's citation to a particular passage in the transcript or to a specific exhibit is not intended to imply that the evidentiary support is found only in that location. Other testimonial or documentary evidence may supplement the evidence cited in the opinion.

As even the Defendant admits, the multifamily housing in HUD's portfolio consumed an inefficient amount of energy. Many HUD properties were constructed during the late 1960's or early 1970's when neither the government nor the builder was concerned with long-term energy costs. HUD housing was frequently built under the most stringent cost restraints. A consequence of these budgetary limits is that HUD housing is commonly heated with electric baseboard resistance heating. This type of heating is very cheap to install, but very expensive to operate currently. The Department of Energy ("DOE") and HUD have recognized the need for improved energy efficiency in HUD's multifamily portfolio in several publications.

In particular, the FHA regulations discouraged improvements in the energy efficiency of multi-family housing in HUD's portfolio. The regulations interfere with a lender's ability to have a security interest in the property. This restriction caused lenders to charge a higher interest rate or to not offer a loan at all. Neither was a good alternative to the owner of the property. Thus, very little HUD-insured housing received any financing for energy efficiency during the 1980's and 1990's.

Section 202 properties are in issue because like the Field Notice properties, they needed improvements for energy efficiency but had difficulties obtaining capital because of the *387 regulations. Section 202 properties are properties owned by non-for-profit entities for the benefit of either elderly or handicapped residents.

B. History of Energy Capital Partners

The multifamily housing sector was not the only industry beset with problems of energy inefficiency. As interest in improving energy efficiency became more widespread, Energy Capital Partners was formed in the middle of 1994, to take advantage of a perceived financial opportunity to market energy-efficiency improvement measures. Energy Capital provided financing to allow various institutions to optimize their energy consumption. For example, Energy Capital provided financing to college dormitories and to commercial office buildings.[FN2] Energy Capital originated approximately $250 million in loans in these sectors.

FN2. The Plaintiff and the Defendant, however, dispute whether commercial and institutional lending is analogous to residential lending, which is the concern of the contract here.

During the course of its business, Energy Capital discovered a possible opportunity to make loans for the HUD-insured portfolio. Energy Capital recognized that there was a significant need for energy improvements within this type of property and that the primary obstacle to making a loan was the regulatory barriers, as mentioned. Energy Capital believed that if it could solve the regulatory problem, then it could originate a significant amount of loans. Energy Capital's efforts eventually became the Affordable Housing Energy Loan Program, which is known by its acronym AHELP.

To promote its efforts with AHELP, Energy Capital assembled a team of consultants to assist it. These included Recapitalization Advisors, Energy Investments, Housing Partners, and several law firms.

Recapitalization Advisors, which was founded by David Smith, has extensive knowledge about the properties within the HUD-assisted portfolio. Since these properties were going to be the customers for Energy Capital's AHELP business, Recapitalization Advisors explored the potential scope of the marketplace.

Energy Investment is an engineering consulting company specializing in assisting building owners to identify, to design, and to implement capital improvements to reduce the energy costs of their buildings. Energy Investment has the technical knowledge about energy-efficiency measures.

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Housing Partners, Inc. is a consulting firm for the affordable housing industry. Its clients include public sector and private sector institutions in Massachusetts. Several of its principals administered a program to increase the energy efficiency of apartments owned by the Massachusetts Housing Finance Administration (MHFA). Energy Capital hoped to use Housing Partners' expertise with government agencies in working with HUD.

II. AHELP

A. General Explanation of the Agreement

On September 3, 1996, Nick Retsinas, the Assistant Secretary for Housing and the Federal Housing Commissioner, signed the AHELP Agreement. The agreement between Energy Capital Partners and HUD followed approximately 15 months of negotiations. Under the AHELP Agreement, Energy Capital could originate loans for 3 years or until a cap of $200 million in loan originations was reached. In exchange, HUD promised to treat AHELP loans in ways that gave Energy Capital, as a lender, a security for its loan and also that gave the property owners an incentive to apply for the loan.

To understand the issues in this case, several different aspects of the AHELP Agreement must be kept in mind. These provisions relate to: (1) the type of energyefficiency improvements that could be made; (2) the eligibility of Section 202 properties; (3) the cross-default and springing subordinated lien; (4) HUD's ability to review loans; (5) the treatment of debt service on the AHELP loan; (6) the interest rate on an AHELP loan; and (7) the testing of energy-improvement measures.

***388 1. The Type Of Energy-Efficiency Improvements**

The AHELP contract expressly refers to five core improvements for which Energy Capital could make loans. HUD's approval of any loans for these five core measures was given in the AHELP contract; individual review of loans for these improvements was not necessary. The AHELP Agreement also provided that HUD could approve loans for other types of energyefficiency improvements on a case-by-case basis.

2. Section 202 Properties

The AHELP Agreement also envisioned that Section 202 properties would also be eligible. Section 202 properties are owned by not-for-profit entities whose mortgage is held by HUD. The opinion discusses this issue in more detail in Section VII.C.3., below.

3. Cross-Default And Springing Subordinated Lien

The AHELP Agreement's innovative solution to the regulatory obstacles was the cross-default provision and the springing subordinated lien. The cross-default provision required that if the property owner defaulted on the energy efficiency loan, then the first mortgage, which is the FHA-insured mortgage, would also go into default. Without a cross-default provision, property owners could have used all their savings to pay only the loan insured by FHA. Through this cross-default provision, property owners would have an incentive to pay both the energy improvement loan and the principal loan.

The springing subordinated lien gives Energy Capital, as a lender, security that its loan would be paid off. If there were a default under the first mortgage, the first mortgagee may file a claim with the FHA for payment. (The FHA typically pays approximately 95 to 99 cents on the dollar.) After the first mortgage is assigned to HUD and the FHA Fund reimburses the mortgagee, Energy Capital's loan "springs" into first position and has a priority ahead of the FHA mortgage. If there were a default, Energy Capital had the property as a security interest. It should be noted that Energy Capital's agreement with Fannie Mae required that the AHELP loan contain the springing subordinated lien provision and the cross-default provision.

4. HUD's Review

The AHELP Agreement also provided that HUD had the authority to review the initial 6 AHELP loans. Beside the review of the initial 6 loans, HUD could also review 5 of the next 50 AHELP loans. Finally, HUD could review as many as 15 AHELP loans in the next 150 AHELP loans. The HUD review was to ensure that Energy Capital was complying with the AHELP Procedures Manual. These reviews included the possibility of a more detailed audit review.

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HUD also established three national processing centers to review AHELP loans in a more streamlined fashion. For these AHELP loans, the processing center had 10 days to complete its review. By limiting HUD's review to only 10 days, Energy Capital hoped to avoid problems with the HUD bureaucracy, which was notoriously slow in responding to owners' requests. Casimir Kolaski, a former HUD official who was to lead the national processing center in Boston, testified that this review was a "checklist." Tr. 775. By providing for only a "checklist" review, AHELP effectively assigned the responsibility of processing and underwriting the AHELP loans to Energy Capital.

5. The Treatment of Debt Service

Another important innovation in the AHELP Agreement was that HUD agreed that the debt service on an AHELP loan would be a normal operating expense. The AHELP Agreement also provided that the application fees paid by the owners could be paid for out of revenues received for operating the property. Tr. 2367. These provisions ensured that the owner would not have to contribute any of its own money to apply for the AHELP loan.

6. Interest Rate

The AHELP Agreement set the interest rate at which Energy Capital would lend ***389** money at the Treasury rate plus 3.87 percent. Energy Capital had agreed in principle to obtain capital from Fannie Mae at the Treasury rate. As the AHELP loans were repaid, Fannie Mae would be repaid at the Treasury rate plus 1.87 percent. Energy Capital would keep the remaining 2 percent over Treasury rate as its profit on the loan. Energy Capital refers to this 2 percent (the difference between its capital inflow and capital outflow) as its "spread." The spread formed the basis of Energy Capital's revenue.[FN3]

FN3. In addition to income from this spread, Energy Capital would receive certain incidental fees for processing the loan.

The loans were designed to improve the net operating income ("NOI"). Energy Capital would structure the loan, considering the interest rate, the cost of installing the energy improvement, and the expected savings in utilities expenditure, to cover 110 percent of the annual loan payment, so that the energy loan would pay for itself and give the owner an additional savings. The energy loans were generally restricted to a maximum term of 12 years. Since the term was set at a maximum of 12 years and the debt service coverage had to equal 110 percent, an energy improvement generally had to have a payback of 5.5 years or less.[FN4] The improved NOI would be the incentive for owners to participate in the AHELP Program. Further, it was anticipated that the improved NOI would be an incentive for private holders of first mortgages to consent to an AHELP loan.[FN5]

FN4. The payback period depends, in part, on the interest rate. With hindsight, the parties recognize that after the AHELP Program was agreed to, the interest rates declined. The decline in interest rates meant that projects with a payback of 5.9 years could also comply with the debt service coverage requirement of 110 percent. The difference between 5.5 years and 5.9 years is immaterial.

FN5. The willingness of owners and first mortgagees to participate in the AHELP Program is discussed in great detail in Section VII.E., below.

7. The Testing Of Energy-Improvement Measures.

The AHELP Agreement also provided for testing of the energy-efficiency equipment to determine whether it was operating correctly. The first test was made immediately following installation. After 3 years, an engineer would again test the energy-efficiency equipment. Energy Capital was required to escrow money into a fund, which the parties called the downstream verification fund, to correct any deficiencies in operating efficiencies. In checking the efficiency of the equipment, the verification procedure is tantamount to a manufacturer's warranty. It is especially important to note that the downstream verification protocol did not guarantee savings or compare utility bills.[FN6] The Program Agreement provides that Energy Capital will verify either all or a sample of the installed equipment.

FN6. The parties debate the significance of the failure to guarantee energy savings. The Plaintiff contends that (a) it was impossible to guarantee savings because savings depended upon utility rates which varied, and that (b) the industry's practice was to guarantee operational efficiency, not to guarantee savings. In contrast, the

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Defendant contends that owners would be less interested in participating in the AHELP Program without a guarantee of utility savings.

B. Process to Originate an AHELP Loan

Originating an AHELP loan consisted of 3 separate phases. Phase 1 began when Energy Capital received an application called the Property Eligibility Checklist ("PEC"), and ended when Energy Capital issued a preliminary acceptance. Phase 2 began with the issuance of a preliminary acceptance and concluded when Energy Capital issued a commitment. Phase 3 began with the owner's acceptance of the commitment and concluded with the post-closing activities of Energy Capital. Within each of the phases just described, there were discrete smaller steps.

Phase 1 starts with the receipt of a PEC from the owner. The PEC contains certain information about the physical structure and energy systems of the property. Based upon this preliminary data, Energy Capital determines whether an AHELP loan was viable. "Viable" means that the proposed improvement would generate enough savings to pay ***390** for itself within the payback time period. If the property were viable, the owner selects an Energy Service Company to conduct an energy audit. The energy audit would confirm the usefulness, from an engineering perspective, whether it was appropriate to install the energy-efficiency measure. After the energy audit was received by Energy Capital, Energy Capital could accept the energy audit, request additional information or decline to proceed with the project. Concurrent with the energy audit, the owner submits a pre-application package. The pre-application package was used to investigate the financial stability of the property. Once this information was confirmed by Energy Capital, Energy Capital issues a preliminary acceptance. Assuming that the property was accepted, the pre-screening phase is completed.

After the property received this initial approval, the property owner submits a formal AHELP application with an application fee. During this second phase, Energy Capital conducts a more detailed review of the information provided in the pre-screening stage. At any point during this application review, Energy Capital could request additional information or reject the property. Concurrently, an owner could withdraw from the process at anytime. Phase 2 concludes in Energy Capital issuing an AHELP commitment when Energy Capital and the property owner have agreed to a loan.

Phase 3 is devoted to the actual financing. Most of the steps within Phase 3 are pointed towards closing the loan. Before a loan can actually close, Energy Capital submits the loan to HUD for a limited review as provided by the contract. See AHELP Agreement, Section 3.3(d) (restricting loan review to 10 days). After the loan is closed, Energy Capital provides the appropriate documentation to HUD. Energy Capital also arranged to sell the loan to Fannie Mae. After loan closing, Energy Capital will continue to service the loan, including overseeing the construction, administering the loan proceeds, and receiving the payments of the loan.

III. Performance Under and Termination of AHELP

The parties executed the AHELP Agreement in September 1996. Its maximum duration was 3 years. HUD terminated the AHELP Program on February 14, 1997, approximately 5 1/2 months later. In those 5 1/2 months, Energy Capital did not originate any loans. Notwithstanding this fact, Energy Capital asserts that its progress towards originating $200 million of loans was remarkable. The United States disputes Energy Capital's characterization of its accomplishments. Regardless of the disputed characterizations, the parties agree with certain facts related to Energy Capital's performance under AHELP.

Shortly after execution of the AHELP Agreement, HUD issued a notice to the HUD field staff for multifamily housing, and owners and managing agents of HUDinsured and HUD-assisted properties. In this Field Notice, HUD reviewed the need for energy-efficiency measures and the obstacles to financing those improvements with subsidies from the federal government. The notice listed funding mechanisms other than the federal government. This list included the AHELP Program and announced that the Department had "endorsed" the AHELP Program. The Field Notice suggests that interested staff or property owners could contact representatives of Energy Capital for information regarding AHELP. The Field Notice was signed by Retsinas.

A training program for HUD officials and staffers in the HUD field offices was one of the earliest events in implementing the AHELP Program. This training occurred on October 31, 1996, approximately 2 months after the signing of the AHELP Agreement. Witnesses from Energy Capital testified that HUD had asked that Energy Capital

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train its field office representatives before marketing the AHELP Program to building owners, so that the field staff would be knowledgeable and capable of responding to inquiries from the property owners. This training program was directed mostly to the people working in the regional processing centers.

Kolaski, who was to lead the Boston regional processing center, arranged to have a second training program at the Northeast Matrix Leadership Conference on November ***391** 18. Kolaski believed that the HUD properties in the Northeast would especially benefit from the AHELP Program because of high heating costs. Kolaski was so confident in the Program's usefulness that he expected that his regional processing center alone would originate loans totaling $200 million-the total maximum allowed under the AHELP Agreement.

After the training programs for HUD staff members, Energy Capital began to market the AHELP Program to property owners and managers. In particular, Energy Capital focused on the two largest owners of multifamily housing in HUD's portfolio: Insignia and National Housing Partners ("NHP").[FN7] Together, these two entities controlled nearly 1000 properties in the HUD portfolio. Energy Capital representatives and David Smith from Recapitalization Advisors presented the AHELP Program to representatives from Insignia and NHP at two different meetings in November 1996. A representative from Insignia, Michael Bickford, and a representative from NHP, Eleanor Zampone, testified at trial. Both testified that their organizations were very interested in the AHELP Program. A more detailed recounting of the reactions of these two owners is set out below in Section VII.E.1.

> FN7. Energy Capital was following an implementation plan developed by Recapitalization Advisors. PX 37.

In addition to making presentations for Insignia and NHP, Energy Capital also made sales presentations to other owners/managers in the Boston area. These presentations prompted owners to apply for AHELP loans by submitting PECs.

In conjunction with its activities directed to owners, Energy Capital also developed its internal resources to support the AHELP Program. For example, Energy Capital retained a search firm to hire a chief operating officer, a chief underwriter, a head of sales, and a sales force. Energy Capital selected Energy Investment, Inc. as the engineering firm that would evaluate the properties for it. As Energy Capital had already received PECs, it retained six Energy Service Companies ("ESCOs") to conduct energy audits.

By January 7, 1997, Energy Capital had received 63 PEC forms. Energy Capital determined that 46 of the 63 PECs were for properties located in cold climates. Of the 46 properties in cold climates, 29 (or 63 percent of cold weather properties) were heated by electricity. Energy Capital determined that 25 properties were energy viable. The remainder of the properties were not appropriate for the AHELP Program.[FN8]

> FN8. Some properties, for example, requested improvements that were not core improvements. Energy Capital explained that it was soliciting information about interest in non-core improvements to gather data to return eventually to HUD. Energy Capital expected that HUD would approve AHELP loans for non-core improvements.

In February 1997, shortly before the AHELP Program was terminated, Energy Capital had received 123 PECs.[FN9]Energy Capital completed the pre-screening process for approximately 22 properties. A contractor to perform the energy audit was chosen on 6 properties.

> FN9. The data contained in these 123 PECs is the foundation for the report prepared by the expert witnesses. This data was supplemented by information received by Energy Capital after termination.

The property leading in the progression of steps was a property known as Pine Estates II, which was owned by an investor in Energy Capital. Because of Energy Capital's close relationship with the owner, Energy Capital was using Pine Estates II as a prototype. This property was the only property to undergo an energy audit, performed by an energy service company, Energy USA. Energy Capital's independent engineer, Energy Investment, rejected the energy audit twice.

The parties draw different conclusions from the two rejections. According to the Plaintiff, ESCOs follow different standards and different procedures in performing energy audits. Energy Capital hoped to avoid variations by

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establishing a standard procedure using the Pine Estates II property as a model. Energy Capital's concern for a universal form led it to review the energy audit slowly and vigorously. In contrast, according ***392** to the United States, the time-consuming process of submitting the energy audit of Pine Estates II shows that the AHELP loan origination process was cumbersome and inefficient. It is not disputed that the energy audit was not completed successfully before the AHELP Program was terminated.

On February 7, 1997, *The Wall Street Journal* published an article on the front page that stated Energy Capital Partners received the contract to make HUD properties more energy efficient in exchange for significant fundraising efforts for President Clinton by principals of Energy Capital. On Monday, February 10, 1997, *The Wall Street Journal,* in its Corrections & Amplifications Section, noted that the first article failed to state that "no one has said that HUD officials knew that the two men were major Democratic fund-raisers."

Before the publication of *The Wall Street Journal* article, HUD did not contemplate terminating the AHELP Agreement. HUD admits that Energy Capital did not breach the AHELP Agreement before the publication of *The Wall Street Journal* article.

Late in the afternoon on Friday, February 14, 1997, Retsinas sent, via fax, a letter to Energy Capital terminating the AHELP Agreement. Because of an intervening holiday, Energy Capital did not actually learn of the termination until Tuesday, February 18.

The AHELP Agreement provided that if Energy Capital were in default under the AHELP Agreement, HUD would provide a notice to cure the defect. Energy Capital expected to have 30 days to cure any such defect before the contract was terminated. Notwithstanding this provision, the February 14 termination was effective immediately. It should be noted that the AHELP Agreement did not have a termination for convenience clause.

Also on February 14, 1997-but before the termination letter was faxed-Energy Capital suggested that HUD take an appropriate amount of time to review the negotiation of the AHELP Agreement. Energy Capital believed that this investigation would prove that there was no improper political influence. After the termination, Energy Capital again proposed that HUD review the circumstances leading up to the AHELP Agreement. Energy Capital asked that HUD reinstate the AHELP Agreement. There was no response to these offers from HUD.

After HUD terminated the AHELP Agreement, Energy Capital began to wind up the AHELP business. Fannie Mae's commitment as a source of capital was contingent on the springing subordinated lien and cross-default provision. Because Energy Capital had lost HUD's agreement on these vital issues, Fannie Mae would not participate with Energy Capital in the Program. The AHELP business ended.

Consequently, Energy Capital instituted the present lawsuit seeking damages.

IV. Parties' Position During Litigation

Primarily, Energy Capital seeks to recover the lost profits that it would have earned but for the breach of the AHELP Agreement by HUD. Energy Capital is pursuing lost profits based on two different projections. Under the first, Energy Capital assumed that the AHELP Program would sell out completely, that is, all $200 million worth of loans would be originated. Under the second, Energy Capital also assumed that the AHELP Program would sell out $200 million worth of loans. Plus, the AHELP Program would be so successful that Energy Capital and HUD would enter into additional agreements to provide more loans. The second model assumes that the universe of HUD-assisted properties that could benefit from energy-efficiency measures was almost unlimited. The lost profits would be restricted primarily by the entry of other competitors into the market for lending money.

For its part, the Defendant admits its liability for breach of contract. The Defendant contends that it is liable only for reliance damages, those damages that Energy Capital incurred while performing under the contract. The United States rejects the claim for lost profit on the ground that the profits are too speculative to be awarded. Each of these approaches is discussed in the following sections. ***393 V. General Law for Lost Profits**

[1][2] "Lost profits are a form of expectancy damages and serve to protect a plaintiff's interest 'in having the benefit of his bargain by being put in as good a position as he would have been in had the contract been performed.' Restatement (Second) of Contracts § 344(a) (1981). Lost profits damages thus serve to provide a plaintiff with those

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earnings that it would have realized absent the breach." *LaSalle Talman v. United States,* 45 Fed.Cl. 64, 87 (1999).

In order to recover lost profits as damages for breach of contract, it must first appear that such loss is the immediate and proximate result of the breach. It must also be established that loss of profits in the event of breach was within the contemplation of the contracting parties either (1) because the loss was natural and inevitable upon the breach so that the defaulting party may be presumed from all the circumstances to have foreseen it; or (2) if the breach resulted in lost profits because of some special circumstances, those circumstances must have been known to the defaulting party at the time the contract was entered into. Finally, there must be established a sufficient basis for estimating the amount of profits lost with reasonable certainty.

Chain Belt Co. v. United States, 115 F.Supp. 701, 714, 127 Ct.Cl. 38, 58 (1953).

Thus, within this circuit, there are three elements to a recovery of lost profits: (1) causation, (2) foreseeability, and (3) reasonable certainty. *Id.* These elements are discussed in the opinion below. But, before analyzing each element, the Court will address two precedents on lost profits in this circuit.

[3] The Defendant argues that because Energy Capital was engaged in a new business, any measure of lost profits is unreliable and speculative. The Defendant relies on the first decision by the Court of Claims in *Neely v. United States,* 285 F.2d 438, 443, 152 Ct.Cl. 137, 146 (1961).

[P]rofits are uncertain; they depend on so many contingencies, especially in a new enterprise, that it is, in most cases, impossible to say that the breach was the proximate cause of the loss of them, or that a profit would have been realized, in any event; nor is there any basis to determine what they might have amounted to. This is especially true where the breach occurred before operations had begun.

* * * * * *

Suffice it to say that almost always, in the case of a new venture, the fact that there would have been a profit, had there been no breach, is too shrouded in uncertainty for loss of anticipated profits to form a reliable measure of the damages suffered.

Id.

Although the United States accurately quotes the passage from *Neely,* the United States downplays the subsequent history in *Neely.* The Court of Claims held that sufficient evidence existed, albeit not in the existing record, that "would furnish some basis for a fairly reliable estimate of what the plaintiff's profits would have been." *Id.,* 285 F.2d at 443, 152 Ct.Cl. at 147. The Court of Claims, then, remanded the case back to the trial commissioner for additional fact-finding.

After remand, the trial commissioner awarded lost profits to the Plaintiff. The Court of Claims affirmed this decision. *Neely v. United States,* 167 Ct.Cl. 407, 1964 WL 8619 (1964). *Neely II* permitted an award of lost profits because a third party performed the contract under assignment from the Plaintiff. Therefore, the Court of Claims could determine what lost profits the Plaintiff would have made by assuming that the Plaintiff would have made as much profit as the third-party assignee.

To the United States, *Neely I* and *Neely II* are exceptional cases in that a Plaintiff recovered lost profits only because another party actually performed the contract. The subsequent performance distinguishes these cases from all other cases in which Plaintiffs have claimed lost profits.

The Court does not read *Neely I* and *Neely II* so narrowly. In *Neely I* and *Neely II,* the Plaintiff had the advantage of being able to introduce very persuasive evidence of how it would have performed under the contract. The evidence was the performance of ***394** a third party. *Neely I,* 285 F.2d at 443, 152 Ct.Cl. at 147. This evidence met the legal requirement, as established in *Chain Belt Co. v. United States,* 115 F.Supp. at 714, 127 Ct.Cl. at 58, that lost profits be calculated with "reasonable certainty." *Neely I* and *Neely II* did not establish a rule that the only legally sufficient way of establishing "reasonable certainty" would be to introduce evidence of subsequent performance by a third party under the exact same contract.

Together, *Neely I* and *Neely II* refute the argument that lost profits for a new venture are absolutely unavailable. The example from these cases, however, cautions that the proof of these damages is difficult. *See California Federal Bank*

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v. United States, 43 Fed.Cl. 445, 458 (1999) (discussing *Neely I* and *Neely II*).

The Defendant argues that because AHELP was a new venture, it is impossible to measure lost profits with reasonable certainty. To the Defendant, the newness of AHELP warrants a categorical denial of lost profits. The Plaintiff recognizes that AHELP, because of its springing subordinated lien and cross-default provisions, was a new program. Before AHELP, no program systemically attacked the problem of energy viability within HUD's multifamily portfolio. These innovations make AHELP a new venture.

A new venture must establish its entitlement to lost profits by showing the same elements that any business shows: (1) causation, (2) foreseeability, and (3) reasonable certainty. A new business will probably encounter more difficulty in establishing that its lost profits were reasonably certain. But, this difficulty is a matter of evidence as explained in Robert L. Dunn, *Recovery of Damages for Lost Profits* (5th Ed.) § 4.3.

Most recent cases reject the once generally accepted rule that lost profits damages for a new business are not recoverable. The development of the law has been to find damages for lost profits of an unestablished business recoverable when they can be adequately proved with reasonable certainty.... What was once a rule of law has been converted into a rule of evidence.

Id.

When the law is understood in this way, the other cases on which the Defendant relies are distinguishable. Although non-binding cases from the Court of Federal Claims (or its predecessor, the Claims Court) have relied on *Neely I* to deny recovery of lost profits, the analysis from these cases show an absence of proof. *See* *Northern Paiute Nation v. United States,* 9 Cl.Ct. 639, 646 (1986) (stating "the problem of speculation is insurmountable"); *L'Enfant Plaza Properties, Inc. v. United States,* 3 Cl.Ct. 582, 590-91 (1983) (describing problems of establishing whether the Plaintiff would have earned any profits). *White Mountain Apache Tribe of Arizona v. United States,* 10 Cl.Ct. 115, 118 (1986), follows the approach taken by *Neely,* but *Neely,* as explained above, does not prohibit the recovery of lost profits absolutely.

In addition to its argument about the incompatibility of lost profits and new ventures, the Defendant also contends that lost profits are particularly limited against the United States. Because Energy Capital, before closing any loan, would have to engage in transactions with other parties (Fannie Mae, property owners, first mortgagees, etc.), the United States characterizes lost profits as a type of "remote and consequential damage."

" '[R]emote and consequential damages are not recoverable in a common-law suit for breach of contract ... especially ... in suits against the United States.' " *Wells Fargo Bank, N.A. v. United States,* 88 F.3d 1012, 1021 (Fed.Cir.1996), quoting *Northern Helex Co. v. United States,* 524 F.2d 707, 720, 207 Ct.Cl. 862, 886 (1975) (alterations in original). The United States, however, implicitly admits that lost profits are available when the Plaintiff overcomes a "difficult burden." Defendant's Amended Proposed Findings of Fact and Conclusions of Law, filed October 19, 1999, page 58.

The restriction to not award "remote and consequential damages" from *Wells Fargo* does not prevent an award of lost profits to Energy Capital here. "*Wells Fargo* stands ***395** for the unremarkable proposition that gains which do not flow proximately out of the undertaking of the contract itself are too speculative." *LaSalle,* 45 Fed.Cl. at 88. Energy Capital's claim for lost profits are the profits that it would have made from the loans that are expressly the purpose of the AHELP Agreement. Energy Capital's claim, therefore, is analogous to the Plaintiffs' claims in *LaSalle* and *Glendale v. United States,* 43 Fed.Cl. 390, 397-98 (1999), where those Plaintiffs sought lost profits that "arise from the very subject of the breached portion of the contract." *LaSalle,* 45 Fed.Cl. at 88.

Therefore, since awarding lost profits against the United States in the context of a new venture is not precluded by the cases cited by the Defendant, the Court returns to the issues: whether Energy Capital has established causation, foreseeability and reasonable certainty.

VI. Causation and Foreseeability

A. Causation

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1. Law

[4] "Because often many factors combine to produce the result complained of, the causation prong requires the injured party to demonstrate that 'the defendant's breach was a "substantial factor" in causing the injury.' " *California Federal Bank v. United States,* 43 Fed.Cl. 445, 451 (1999) (quoting 5 Arthur L. Corbin, *Corbin on Contracts* § 999 at 25 (1964)).

Citing *Ramsey v. United States,* 101 F.Supp. 353, 357, 121 Ct.Cl. 426, 433 (1951), the Defendant argues for a more strict test for causation. The Defendant proposes that "the cause must produce the effect inevitably and naturally, not possibly nor even probably." *Id.*

The Court holds that *Ramsey* restricts damages only in those cases where the Plaintiff seeks lost profits on "independent and collateral undertakings." *Id.,* 101 F.Supp. at 357-58, 121 Ct.Cl. at 434-35. Analyzing *Ramsey* and other cases, *Wells Fargo,* 88 F.3d at 1022-24, distinguishes between cases where the lost profits were claimed under other contracts and cases where lost profits were claimed directly under the contract with the United States. Because in this case Energy Capital seeks lost profits flowing from the breach of the contract with the United States, *Ramsey* does not impose a high burden with regard to causation.

Although the United States accurately quotes *Ramsey, Ramsey* does not seem to have been cited for this proposition by other cases. For example, the Court of Claims quotes *Ramsey* as stating "the natural and probable consequences of the breach complained of [are recoverable,] damages remotely or consequently resulting from the breach are not allowed." *Olin Jones Sand Co. v. United States,* 225 Ct.Cl. 741, 742-43, 1980 WL 13211 (1980) (alternations in original).

The understanding of *Ramsey* expressed in *Olin Jones Sand Co.,* seems typical. *Ramsey* relied on *Myerle v. United States,* 33 Ct.Cl. 1, 1800 WL 2024 (1897). Yet, *Locke v. United States,* 283 F.2d 521, 526, 151 Ct.Cl. 262, 270 (1960), a case decided after *Ramsey,* also relied on *Myerle* and did not restrict damages to only those damages are "inevitably" caused by the breach. *Locke* states that "[t]he injury may be only indirectly produced but it yet must be capable of being traced to the breach with reasonable certainty." *Id.* By discussing causation with the word "indirectly," *Locke* expands the category of damages that are "caused" by a breach.

For these reasons, this Court rejects the Defendant's argument, based on *Ramsey,* that the Plaintiff must prove that the breached caused its losses "inevitably." Instead, the Court will require the Plaintiff to prove that the breach was a "substantial factor" in causing its losses, the test in the majority of jurisdictions.

2. Analysis

[5] Energy Capital has established that the Defendant's breach was a "substantial factor" in causing it to lose profits. The termination of AHELP prevented the Plaintiff from originating any loans and from receiving any income based on the Agreement.

***396** The Defendant is correct that originating loans depended on the actions of various other parties, including property owners, energy service companies and first mortgagees. Nevertheless, because of the government's termination of AHELP, Energy Capital was not permitted to perform long enough to obtain the necessary agreements. Without the HUD's ongoing support and without an existing contract, contacting third parties was pointless.

Arguments about what third parties would have done if AHELP was not terminated are discussed in more detail under "reasonable certainty." *See* Section VII.E., below.

B. Foreseeability

1. Law on Foreseeability

[6] Compared to the other elements of lost profits, stating the law for foreseeability is much easier. Both parties agree that the controlling case is *Chain Belt Co. v. United States,* 127 Ct.Cl. 38, 58, 115 F.Supp. 701, 714 (1953).

It must also be established that loss of profits in the event of breach was within the contemplation of the contracting parties either (1) because the loss was natural and inevitable upon the breach so that the defaulting party may be presumed from all circumstances to have foreseen it; or (2) if the breach resulted in lost profits because of some special circumstances, those circumstances must have been known to the defaulting party at the time the contract was entered into.

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Id.; see also California Federal Bank v. United States, 43 Fed.Cl. at 451 (quoting *Chain Belt*). "[T]he test is an objective one based on what [the breaching party] had reason to foresee." Restatement (Second) of Contracts, § 351 cmt. a. (1981); *see also* California Federal Bank v. United States, 43 Fed.Cl. at 451 (quoting Restatement).

2. Analysis

[7] Energy Capital has established that its loss of profits was foreseeable. The purpose of the AHELP Agreement was to permit Energy Capital to loan money to HUDsupported housing. These loans were conditioned on HUD's approval.

At the time HUD entered into the contract, HUD must have understood that if it terminated the contract, then Energy Capital could not make any loans. If Energy Capital could not make any loans, it could not earn any profits. Additionally, at the time HUD entered into the contract, HUD must have expected that Energy Capital planned to earn a profit.

The Defendant's only attempt to argue against this finding is rather weak. The Defendant offers that because the AHELP Agreement does not provide any remedy in the case of breach, the parties did not contemplate a recovery of lost profits.

As discussed above, the test for foreseeability is objective. Here, even though the AHELP Agreement does not discuss the recovery of lost profits, HUD officials could foresee that a breach by the government would prevent Energy Capital from recovery lost profits.

Accordingly, Energy Capital has established the foreseeability prong. The remaining prong is reasonable certainty.

VII. Reasonable Certainty: Part I-Amount of Loans Originated

A. Introduction

[8][9] To calculate lost profits, expenses are subtracted from revenue. *Sure-Trip, Inc. v. Westinghouse Eng. and Instr. Serv. Div.*, 47 F.3d 526, 531 (2d Cir.1995); *Blackman v. Hustler Magazine, Inc.*, 800 F.2d 1160, 1163 (D.C.Cir.1986). The revenue for Energy Capital is derived from the loans that it originates plus certain incidental fees for processing the loan applications. The more loans that Energy Capital originates, the greater the income to Energy Capital. The expenses for Energy Capital are those costs incurred for originating the loans. For this case, the Defendant does not challenge the accuracy of Plaintiff's proposed projections about its expenses. Thus, the emphasis is on whether the Plaintiff has convincingly proved how many loans it would originate.

***397** Another consideration is the cash flow or income stream from the loans. AHELP loans were expected to have a 12-year term. Throughout the 12 years, Energy Capital would be receiving a portion of the repayment of the loan with interest.

For the cash-flow projection, the parties presented the opinions of two different experts who reached different conclusions. The main reason for the different conclusions is that each expert assumed that Energy Capital would generate a different number of loans. Accordingly, the Court will now turn to this most contentious point.

B. Overview of Plaintiff's Model

The parties used the same model to predict how many loans would be originated under the AHELP Agreement. (David Smith, from Recapitalization Advisors, first proposed this model, which has four steps.) Step 1 is determining the number of units eligible for an AHELP loan. Step 2 is determining the percentage of properties that would benefit from a technological and economic perspective from increased energy efficiency. The parties refer to this step as determining a property's "energy viability." Step 3 is calculating the percentage of properties that have a willingness to participate. Step 3 is perhaps the most controversial aspect of the model because it estimates the willingness of owners to participate and estimates the willingness of first mortgagees to consent to the AHELP Program. Step 4 is calculating the average loan size. The four numbers are multiplied together to arrive at a product that represents the total amount of loans originated under the AHELP Agreement. Each step in the model is independent of every other step and is considered separately below.

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C. Step 1: Eligible Units

In theory, it might be expected that the number of eligible units would not be disputed. A property is either eligible or not eligible. Once all the eligible properties are identified, count them.

This expectation does not hold true for two reasons. First, the parties dispute whether some properties were eligible. The disputed properties are those with tenant-paid utilities and Section 202 properties. (Section 202 properties are those for which the mortgage is actually held by the United States.) Second, even when the parties agree that the properties are eligible, the parties have different amounts.

1. The number of properties agreed to be eligible

The parties agree that the Field Notice properties [FN10] were eligible. The Plaintiff determined that 7,782 properties were eligible. The Defendant, in contrast, determined that 8,846 properties were eligible.[FN11] The Court will use 7,782-the lower figure.

FN10. The Field Notice properties are those with more than 25 units that were under the Section 221(d)(3), 221(d)(4) with 50 percent or more of Section 8 and Section 236.

FN11. The parties used different sources of information to determine the number of eligible units. The source for the Plaintiff's information was HUD's publicly available web site. The Defendant, however, used information provided by the HUD and FHA database. This difference is not significant because the Plaintiff used the lower (more conservative) number.

2. Tenant-paid utilities

Within the group of Field Notice properties, some apartments have utilities that are paid for by tenants. The parties dispute whether AHELP anticipated that loans would be made to properties with tenant-paid utilities. Apartments that are heated by electric heat typically have tenant-paid utilities.[FN12] Therefore, since Energy Capital intended to focus its lending to properties that have electric heat, Energy Capital could lend to a greater number of properties if properties with tenant-paid utilities were eligible.

FN12. Metering electrical usage on a perapartment basis is relatively simple. In contrast, measuring the amount of gas used per apartment is not practicable. Since converting to gas heat from electric heat was a core improvement in the AHELP Program, the parties expected that there would be necessarily a change in that owners would have to pay for the gas.

But, if the tenants-not the owners-receive the benefits of any energy-improvement measure, as the tenants would when ***398** they pay the utility expenses, the owners would have no reason to take on the energy loan, since the incentive for an owner to undertake the obligations of an AHELP loan is to receive the benefit of improved net operating income, which results from energy savings.

The Court rules that properties with tenant-paid utilities were eligible to participate in the AHELP Program. The AHELP Agreement itself says nothing about the eligibility of properties with tenant-paid utilities, but Section II.A of the AHELP Procedures Manual, which is an exhibit to the AHELP Program Agreement, defines the eligible properties and states that "all" "Field Notice" properties are eligible. Because "all" properties is not qualified by a statement that properties with tenant-paid utilities are not eligible, this omission supports the inference that the Procedures Manual means what it says: all properties are eligible.

The Defendant's main argument for excluding properties with tenant-paid utilities is that rent increases were not permitted under the AHELP Agreement. The Defendant argues that if rent increases were not permitted, it is likely that the AHELP Agreement did not intend to include properties with tenant-paid utilities, since property owners would not otherwise have an incentive to obtain AHELP loans.

There are two problems with this argument. First, the AHELP Agreement does not expressly forbid rent increases. Although the HUD employees who negotiated the AHELP Agreement testified that they believed that properties with tenant-paid utilities were not eligible, the Agreement itself does not restrict the eligible properties. The Court cannot rewrite the AHELP Agreement to include unilateral expectations previously unexpressed. *Aerolineas Argentinas v. United States,* 77 F.3d 1564, 1576 (Fed.Cir.1996); *Southern Pac. Transp. Co. v. United States,* 596 F.2d 461, 466, 219 Ct.Cl. 540, 548 (1979)

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Second, to the extent that HUD expressed its intentions, a limited form of rent increase is consistent with these expectations. Understanding why rent increases were consistent requires an understanding of how rents are set in some HUD-assisted housing.

The cost of living in a particular apartment unit includes the cost for the physical space of the unit plus the cost of the utilities to support the unit. The term "gross rent" includes both elements. The gross rent includes the "contract rent" which is the amount of money received by the owner for use of the physical space. In Section 8 subsidized housing, HUD pays some portion of the contract rent and the tenant pays some portion of the contract rent. For apartments with tenant-paid utilities, the tenant is responsible for paying the utility costs. To pay for at least some part of the utility expenses, the Section 8 tenant also usually receives a subsidy, which is known as the personal benefit expense ("PBE").

Readjusting the balance between contract rent and the utility expense is possible and the AHELP Procedures Manual sets out a method of changing the utility allowance. If the owner started to pay for the utility expenses, the contract rent could be increased. Simultaneously, if the tenant did not have to pay for utilities, the PBE could be decreased by the same amount as the rent increase. After these changes, the owner could reap the benefits of energy savings because the owner would be paying for the utilities. In other words, an owner of Section 8 housing with tenant-paid utilities would have an incentive to take out an AHELP loan, because the owner, having taken over the payment of utilities, would realize the same energy savings, and would recover the amount of the PBE, which is based on the pre-energy savings utilities costs, through an increase in contract rent.

Furthermore, HUD would not be disadvantaged. Although HUD would pay for a greater amount of contract rent, this increase would be offset by a decrease in the PBE. The "gross rent" (the total sum expended by HUD for a particular apartment) would not increase. Thus, HUD's expectation that there would be no rent increase would be fulfilled.

In addition, the Court notes that Energy Capital received PECs from property owners ***399** with tenant-paid utilities. Energy Capital did not reject these PECs out of hand. This contemporaneous conduct shows that Energy Capital believed, during its performance, that properties with tenant-paid utilities were eligible to participate in the AHELP Program. *See* *Julius Goldman's Egg City v. United States,* 697 F.2d 1051, 1058 (Fed.Cir.1983) (stating "A principle of contract interpretation is that the contract must be interpreted in accordance with the parties' understanding as shown by their conduct before the controversy."). Although this factor is not decisive, it does support the Court's finding that the parties intended to include properties with tenant-paid utilities in the AHELP Program.

Finally, it is unlikely that HUD would have found the AHELP Program attractive if properties with tenant-paid utilities were excluded, since excluding properties with tenant-paid utilities would reduce the number of eligible properties by 25 percent. Albert Sullivan, a former HUD official in charge of multifamily housing, testified that within the portfolio of AHELP-eligible properties, more properties had utilities paid by the owner than paid by the tenant. Tr. 3025. This opinion was confirmed by David Smith. DX 62 states that 75 percent of properties with electric heat are tenant paid. Of all the eligible properties, 33 percent had electric heat. Accordingly, per this exhibit, about one quarter of all eligible properties had tenant-paid utilities. A figure of 25 percent is consistent with the testimony of Zappone. She estimated that 20 percent of the properties owned by NHP, and eligible for the AHELP Program, had tenant-paid utilities.

3. Section 202

Turning to whether Section 202 properties are eligible for the AHELP Program, the Court holds that they are.

As has been noted, the primary difference for this case between the Section 202 properties and the Field Notice properties is that the mortgage for Section 202 properties is actually held by the United States, therefore, there is no third party first mortgagee. Without the complication of a first mortgagee, the financing arrangements for Section 202 properties should be easier than for a Field Notice property. For example, the provisions for cross-default and springing subordinated liens, which were intended to keep Energy Capital on par with the first mortgagee, were not necessary for Section 202 properties.

Section 2.1(c) of the AHELP Agreement makes Section 202 properties eligible for an AHELP loan. The text of Section 2.1(c) is set out in the footnote below.[FN13]

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FN13. Section 2.1(c) provides:

> Notwithstanding any other provision of this agreement, to the contrary, FHA and the lender hereby agree that eligible Developments for AHELP Transactions shall include developments financed under Section 202 of the Housing Act of 1959, as amended .... Because Section 202 ... developments have either direct loans or capital grants from HUD rather than FHA-insured loans, certain elements of this Agreement, the AHELP Loan Documents and the AHELP Procedures Manual must be modified to reflect the structure of 202 ... transactions. Prior to initiating an AHELP transaction for a Section 202 ... development, the Lender shall submit document modifications to FHA for review and approval.

Although the AHELP Agreement on its face states that Section 202 properties are eligible for the AHELP Program, the United States argues that Section 202 properties should not be included because Energy Capital could not make loans to these properties at the time of termination, because, before any loans to Section 202 properties could be made, new legal documents had to be drafted.

When the AHELP Agreement was executed, the documentation for Section 202 properties had not been finalized; nevertheless, Energy Capital evinced a consistent intent to make loans to owners of Section 202 properties. In a letter dated September 27, 1996, Energy Capital sent an introductory letter to HUD about some concerns with the Section 202 properties. Energy Capital submitted a more detailed letter on January 22, 1997.

To support its argument for excluding Section 202 properties, the United States points out that HUD's Office of General Counsel ("OGC") needed to approve any modifications to the AHELP documents. The Court finds ***400** that this approval would have been obtained in a short amount of time and was not truly an obstacle to including the Section 202 properties.[FN14] It is unlikely that OGC would have found a problem with the AHELP Program for Section 202 properties because the arrangements are simpler than the arrangements already approved by a different part of OGC. In addition, because Retsinas, the Assistant Secretary for HUD, was interested in seeing the Program succeed, it was unlikely to founder because of legal technicalities.

> FN14. A different section of OGC approved the AHELP Agreement for the Section 221(d)(3), 221(d)(4) and Section 236 properties. The Defendant did not present any testimony from an attorney from OGC about legal complications for having Section 202 properties be eligible for AHELP. Based on this inference, the Court concludes that there was no serious legal impediment to including Section 202 properties in the AHELP universe.

The Court's holding that Section 202 properties are eligible is consistent not only with the plain language of the AHELP Agreement but also with the Defendant's duty to act in good faith. Once the United States commits in the AHELP Program Agreement that Section 202 properties are eligible, the Defendant has an obligation to make this promise a reality. Accordingly, the Court holds that Section 202 properties are eligible for the AHELP Program.[FN15]

> FN15. For completeness, the Court notes that like the number of Field Notice properties, the number of Section 202 properties is also disputed. The Plaintiff submitted evidence to show that there were 2,955 Section 202 properties. Information from the Defendant shows that there were approximately 4,500 Section 202 properties. Again, this difference seems minimal.

D. Step 2: Energy Viability

Having determined which properties are eligible, the next step is determining what percentage of the eligible properties would realize utility bill savings through improved energy efficiency, such that the savings would cover the cost of the improvements. The parties refer to this as "energy viability." "Energy viability" combines technological and economic feasibility. The Plaintiff has presented three overlapping methods of determining energy viability.

1. First Method

The first method was a study conducted by Joseph DeManche of Energy Investments, Inc.[FN16] DeManche attempted to identify the percentage of properties that

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would "benefit" by converting from electric to gas heat. "Benefit" in this context means that the energy improvement would save enough money to pay for itself during the course of the loan. The amount of energy savings depends on the cost of the improvement, the amount of energy used, and the difference in price between electric heat and gas heat.

FN16. The Defendant waived any *Daubert* challenge to DeManche's testimony. *See* Tr. 1209.

The first step in DeManche's analysis was to identify those states that have the coldest weather. DeManche identified these states by using data on heating degree days from the Department of Energy (DOE). Geographic areas are designated as belonging to zones 1 to 5, depending upon the number of degree days. The properties with the highest number of degree days, that is, the properties that have the coldest weather, are classified as zone 1 properties. DeManche focused on states within zones 1 and 2. He focused on the properties in coldweather climates because Energy Capital intended to emphasize electric-to-gas-heat conversions. This conversion is more feasible economically in a property that spends a great amount of money on heat.

The next step was to identify the average number of heating degree days for a particular state. To do this calculation, DeManche relied on the U.S. military weather installations.[FN17]

FN17. In cross-examination, the Defendant pointed out that DeManche used a straight line average. DeManche did not weigh the data to reflect that New York City, where more HUDeligible properties are located, has a lower average degree day total than Utica. The Defendant suggested that a weighted average would be a more accurate measure.

In redirect, DeManche established that the Defendant's point was academic. DeManche recalculated the number of average degree days using only the number of degree days for the largest metropolitan area. This approach was actually more conservative than the weighted average approach proposed by the Defendant.

The change in average degree days did not affect DeManche's analysis.

***401** DeManche then calculated the average annual heat load, which is measured in millions of BTU's. An established formula was used to convert heating degree days into average annual heat load. The Defendant did not challenge these calculations.

The next step was to identify the average electric price. The main source of DeManche's information was the October 1998 issue of Energy User News. This publication reprinted prices from March 1998.

In the next step DeManche identified the average natural gas price for each state. The source of information again was the October 1998 Energy User News.[FN18]

FN18. On cross-examination, the Defendant suggested that DeManche may have skewed the data by relying on the October, rather than the August, publication. On redirect, DeManche showed that the October data for electricity was the same as, or more conservative than, the August data in nearly half the states. For the natural gas price, the October data was the same as, or more conservative than, the August data in approximately three-quarters of the states.

When DeManche used an average of the October and August data, the change in data had no effect on DeManche's analysis.

The final and most important step in DeManche's analysis was calculating the payback period. The payback formula is a complicated, but well-established, formula. Simple payback is the length of time it takes for an energyconservation improvement to pay for itself. Simple payback equals the cost of the improvement divided by the yearly savings.

A critical component of the formula for simple payback is the cost of conversion. DeManche used $3,500 as the basic cost for converting an apartment unit from electric heat to gas heat, a figure that is conservative. The AHELP Procedures Manual states that the range of cost for an electric-to-gas conversion is $2,500 to $3,500. This number was based on industry cost data published by the

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R.S. Means Company. It specifically includes the cost of a performance bond that an ESCO was required to provide.

Based on the $3500 figure, DeManche calculated the payback period. DeManche believed that when a state had a conversion payback of 5.9 years or less, all properties in that state would be energy viable. By analyzing properties on a state-wide level, DeManche's method of including or excluding all properties has the potential to be both overinclusive and under-inclusive. Any property within a state with an average payback of less than 5.9 years was assumed to be energy viable, although an analysis of a particular property could show that that one property was not actually energy viable. Likewise, DeManche also assumed that all properties in a state with an average payback period of greater than 5.9 years would not be energy viable. However, individual properties in states with a payback period greater than 5.9 years could be energy viable if properties were analyzed individually. Despite this limitation, DeManche's method is sound and reasonably accurate because most properties in a given state share the characteristics of other properties in that same state.

The next step was to identify the number of units in a particular state that are energy viable. The source of this data was the information from Recapitalization Advisors, which was discussed in the preceding section of the opinion.

For the final step, DeManche attempted to identify the percentage of properties that were heated with electric heat. This step is obviously important because only those properties heated with electric heat would benefit from an electric-to-gas conversion. DeManche proposed using 44.5 percent.

The Court finds that this figure substantially overestimates the percentage of HUD properties that could benefit from a conversion from electric heat to gas heat. DeManche relied on a 1995 study by the Department of Energy. PX 17. This study states that in multifamily properties with five or more units that are rented, 44.5 percent are heated with electricity.

This same study, however, breaks down the 44.5 percent into different components. Of all multifamily properties with five or more units that are rented, 15.3 percent have built-in electric units, 19.7 percent have a ***402** central warm-air furnace, 7.7 percent have a heat pump and 1.8 percent have some other source of electrical heat. The most important category is built-in electric units. The undisputed evidence is that most of the HUD-assisted properties were built under cost constraints. Electric baseboard heating, which is resistance heating similar to the mechanism in a toaster, is the cheapest form of heating to install. Thus, electric baseboard heating is prevalent in HUD-supported housing.

The other types of electrical heating systems are not as feasible for an electric-to-gas conversion. For example, it would not be practicable to convert any system using ducted heat if that system also had air conditioning because the cooled air also moved through the ducts. Accordingly, the Plaintiff's number of 44.5 percent is not accurate. The more accurate base number is 15.3 percent, which is the percentage of properties with more than 5 rented units that have built-in electric units.

Although 15.3 percent is a better baseline than 44.5 percent, 15.3 percent understates the number of HUDassisted properties with electric resistance heating. The Department of Energy study, the source for this information, examines all multifamily properties with five or more rental units. Because not all of these properties were built with the same cost restraint, it is fair to assume that the HUD properties have a greater percentage of electric resistance heating. For example, Bickford from Insignia stated that electric resistance heating systems were common. Tr. 1684. Furthermore, because many of the older HUD-assisted properties do not have air conditioning, these properties are unlikely to have a ducted system.

The Court finds that 35 percent is a reasonably accurate number. During the time for performance under AHELP, Recapitalization Advisors estimated that between 32 and 35 percent of the AHELP-eligible properties have electric heat. *See* DX 62. The Court finds this opinion especially persuasive because (a) it is a number between 15 and 44 percent and (b) it is a number formed during the course of performance and is untainted by the influence of litigation.

Accordingly, the first method used by the Plaintiff to calculate the percentage of energy-viable properties, the DeManche method, needs a revision. The number of properties with electric heat must be reduced. When this modification is made, about 16 percent of the Field Notice properties were energy viable.

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2. Second Method

The second method used by the Plaintiff to calculate the percentage of energy-viable properties was done by David Smith and is called the heat approach. This method is similar to the method undertaken by DeManche, except that Smith includes conversions from not just electric but also oil and older inefficient gas to newer gas furnaces. This approach repeats the same mistaken assumption that approximately 44 percent of the HUD-assisted properties have electric resistance heating. When Smith's approach is corrected using the Court's figure of 35 percent, the number of energy-viable properties decreases. The new number is 121,212 energy-viable properties. This figure is approximately 15 percent of the total number of Field Notice properties.

3. Third Method

The third approach taken by the Plaintiff is an alternative approach proposed by David Smith, which the parties call the "consumption" approach. Under the consumption approach, Recapitalization Advisors analyzed the utility consumption per apartment. The theory is that the more money an apartment spends on electricity, the more likely the apartment is to benefit from energy-efficiency measures.

The Court finds the consumption approach is generally accurate. The Court, however, finds that Smith overestimated the percentage of energy-viable apartments that have utility bills of less than $1,250 per year. Apartments that spend little on utilities are unlikely to have enough savings from energy-efficiency measures to meet AHELP's required debt ratio. Accordingly, the Court has revised Smith's figures.

***403** Under the revised figures, the number of energyviable apartments in the consumption approach is 128,910. This figure is approximately 16 percent of the total number of eligible Field Notice properties.

4. Summary on Energy Viability

After revising the three different approaches to energy viability, the numbers are generally consistent, ranging from 15 to 16 percent. Accordingly, the Court finds that 16 percent of the properties that are eligible for the AHELP Program are also viable from a technological and energy-efficiency perspective.

E. Step 3: Willingness to Participate

Step 3 attempts to estimate the number of eligible and energy viable properties that would participate in the AHELP Program. Participation depends upon the consent of two different groups: the owners and the first mortgagees. The consent of first mortgagees is necessary before the property owners further encumber the property with the AHELP loan.

1. Owner Interest

To gauge owner interest, the Plaintiff relied on Recapitalization Advisors, its consultant on the AHELP Agreement. As has been noted, Recapitalization Advisors has extensive knowledge about the properties within the HUD-assisted portfolio. Recapitalization Advisors estimated that 34 percent of the owners would not be willing to participate.

The Defendant's expert, David Hisey, also used this factor in his analysis. The Court finds that eliminating 34 percent of the properties for owners unwilling to participate is a reasonable estimate.

Persuasive testimony from owners confirmed Smith's opinion that owners would be interested in AHELP loans. The two largest owner/managers of properties in this portfolio were Insignia and National Housing Partners (NHP). The Plaintiff called Michael Bickford, a former vice-president of Insignia, and Eleanor Zappone, a former asset manager for NHP, to testify at trial. The Defendant called one representative, Robert Sampson, Jr., from an owner at trial. Sampson's testimony suggested that owner interest was ambivalent. Sampson's own company submitted properties to Energy Capital for evaluation. Tr. 3169, 3610. Thus, on balance, Sampson's testimony helps the Plaintiff.

Bickford explained that Insignia was very attracted to the AHELP Program. Insignia went so far as to ask David Smith to reserve $55 million of the $200 million for Insignia properties. According to Bickford, Insignia believed that AHELP would be so successful that the $200 million would be consumed completely.

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Insignia expected that the AHELP Program would serve its need for energy improvements. Insignia was spending an increasing proportion of its money on energy costs. Yet, because of the HUD regulations, only a handful (less than 5 percent) of HUD-assisted properties in Insignia's portfolio received any energy-efficiency improvements. Insignia was concerned that operating expenses could expand beyond its control.

By providing a means to finance energy-efficiency improvements, AHELP promised a wonderful opportunity to Insignia. Insignia was aware of some of the potential risks to participating in the program such as the lack of guaranteed energy savings, the need to obtain first mortgagee consent, and the interest rate in repaying the AHELP loans. Tr. 1718-20. Even with these factors, Insignia was strongly interested in the AHELP Program. In regard to the interest rate, Bickford testified that Insignia was not very sensitive to the interest rate because AHELP was "the only game in town." Insignia's desire to participate is displayed by its submission of approximately 43 PEC's before the AHELP Program was terminated.

NHP, according to Zappone, was also very interested in the AHELP Program. Investigating whether every property in NHP's portfolio would benefit from an AHELP loan was the goal of Zappone, who eventually was appointed to lead NHP work with the AHELP program.

Zappone's testimony showed that NHP shared the same assessment of AHELP with ***404** Insignia. Like Insignia, NHP worried that energy consumption was draining more cash flow. But NHP had not been able to solve this problem. Because large scale energy improvements were too expensive to pay for with routine operating expenses, less than 10 percent of NHP properties had undergone improvements to improve their energy efficiency.

Again, like Insignia, NHP remained very attracted to the AHELP Program, despite NHP's awareness of the potentially adverse consequences of accepting an AHELP loan. Zappone specifically testified about the application fees, the lack of guaranteed savings, the requirement of first mortgagee consent and the interest rate. None of these caused enough concern to make NHP question its commitment to the program.[FN19] Tr. 2164-2168.

FN19. NHP, however, experienced one problem in applying for AHELP loans. Zappone struggled with another employee over who would lead the program. This administrative infighting delayed the submission of PEC's. The delay, however, was caused by reasons unrelated to the attractiveness or worthiness of the AHELP Program.

Together Bickford and Zappone show that owners were attracted to the AHELP program. Owners were willing to accept the proposed interest rate and to incur the obligations associated with a second loan on their properties because AHELP offered an opportunity to restrain energy consumption. The willingness of owners is especially important because owners would risk their *entire* investment in the property.

2. Other Disqualification

After assessing ownership interest, Energy Capital continues its assessment of the participation rate by identifying a second group, which it calls "other disqualification." This category itself comprises two subgroups. The first is a general group, which the Court calls Energy Capital evaluation, accounts for Energy Capital's discretion to reject applicants. The second is the issue of first mortgagee consent.

a. Energy Capital Evaluation

In analyzing the AHELP applications, Energy Capital intended to assess the creditworthiness of the applicant and property. That is, even if a property were willing to participate in the AHELP Program, Energy Capital retained discretion to reject the property. David Smith eliminated 11 percent of the potentially eligible properties under the Field Notice group because of problems with either the property or the owner, or both the property and owner. The Court accepts this figure as reasonably accurate.

b. First Mortgagee Consent

First mortgagee consent is problematic, first, because, in general, a second loan *could* increase the chance of default on the first loan, and second, because, as previously noted, under the cross default provision, the owner's default on the AHELP loan would put the mortgage into default as well, depriving the first mortgagee of its anticipated cash flow during the term of the mortgage, although in the case of HUD assisted housing, the FHA would pay virtually all of the remaining principal of the first mortgage.

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There are two distinct groups of first mortgagees: Fannie Mae and "others." Fannie Mae holds approximately 40 percent of the first mortgages on the Field Notice properties. Other entities own the remaining percentage.[FN20]

FN20. The number of different entities that own the first mortgage was not provided. Testimony showed that the mortgagees usually delegate the servicing of the mortgage to "mortgage service companies." There are about 10 mortgage service companies that dominate the industry.

The interest of mortgage service companies and first mortgagees align perfectly. Accordingly, the Court will use "first mortgagees" generically to refer to not only first mortgagees but also to mortgage service companies.

(1) Fannie Mae

The first issue is whether Fannie Mae, as first mortgagee, would consent to an AHELP loan. Both the Plaintiff's expert, David Smith, and the Defendant's expert, David Hisey, assume that Fannie Mae would consent to an AHELP loan. Although its expert treated Fannie Mae's consent the same as the Plaintiff's expert, the Defendant contests whether the Plaintiff has proven that Fannie Mae would consent to having loans placed on ***405** properties where it held the first mortgage. The resolution of this factual dispute is made considerably more difficult because neither the Plaintiff nor the Defendant called a witness from Fannie Mae.

The most probative evidence before the Court on Fannie Mae's consent is the term sheet between Energy Capital and Fannie Mae. Fannie Mae promised to fund up to $200 million of loans and also to purchase the same loans back from Energy Capital. The Plaintiff argues that the Court should infer that Fannie Mae would be willing to consent because Fannie Mae has risked its own money in support of the program.

The Defendant, in contrast, argues that Fannie Mae's consent as a first mortgagee has not been established. It argues that an inference is not warranted because Fannie Mae could have been willing to lend money and to purchase loans only for those properties where it was not the first mortgagee.

The Court resolves this factual dispute in favor of the Plaintiff and finds that Fannie Mae would have consented to loans being placed on properties where it was the first mortgagee. Because increasing energy efficiency is consistent with Fannie Mae's goals, it is reasonable to conclude that it would tolerate some risks to its capital.

Significantly, Fannie Mae agreed to finance the AHELP Program and to purchase AHELP loans despite some risks. The term sheet between Energy Capital and Fannie Mae alerts Fannie Mae that the AHELP loan would have a priority over the FHA-insured mortgage after the assignment (and payoff) of that mortgage.[FN21] PX 4. Fannie Mae, therefore, was well-aware that its interest, as a first mortgagee, could be jeopardized by consenting to an AHELP loan. Nevertheless, Fannie Mae agreed to participate in the program. These facts support a finding that Fannie Mae would have consented.

FN21. Energy Capital's agreement with Fannie Mae required that the AHELP loan contain the springing subordinated lien provision and the cross-default provision.

Accordingly, the Court finds that Fannie Mae would have consented to second mortgages (to secure the AHELP loan) being placed on properties where it holds the first mortgage. Fannie Mae would have consented whenever Energy Capital wanted to originate the loans because Energy Capital was committed to underwriting loans at the standard approved by Fannie Mae. Thus, Fannie Mae's consent was for 100 percent of loans where it was the first mortgagee, which is 40 percent of the properties.

(2) Other First Mortgagees

Whether first mortgagees would consent to AHELP loans being placed on their properties is even more problematic than Fannie Mae, since there is less direct evidence for other first mortgagees than for Fannie Mae. Again, the issue is complicated because neither party presented testimony from a first mortgagee. Instead, the parties presented facts that would be incentives or disincentives for first mortgagees to consent. Smith and Hisey, the two experts on this topic, also presented their opinions. Smith believed that 90 percent of all first mortgagees (including Fannie Mae) would consent. This means that slightly more than 83 percent of the non-Fannie Mae first mortgagees would consent. For the Defendant, Hisey believes that zero percent of first mortgagees would consent.

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First mortgagees make money by having their loans repaid with interest. A default [FN22] for any first mortgagee causes the first mortgagee to lose the interest income it would earn for several years into the future. Although HUD, acting through the FHA Fund, insures almost the entire loan, upon default the FHA Fund pays only the principal.[FN23]

FN22. More precisely, the first mortgagee is paid off (and loses its payment stream) after the assignment of the mortgage to HUD, which is after the default. Tr. 2642.

FN23. Hindsight shows that during the time AHELP loans would have been originated, interest rates declined. This decline in interest rates meant that first mortgagees would be especially wary of defaults. Although after a default, the first mortgagee has additional capital to make a new loan, this replacement loan would be at a lower interest rate.

The parties agree that first mortgagees want to avoid default. The question, however, ***406** is whether an AHELP loan increases or decreases the chance of default.

Although in general a second loan would increase the chance of default, the Plaintiff argues that an AHELP loan increases the financial stability of the property. The AHELP loan is designed so that the energy savings will cover 110 percent of the debt service of the loan. The extra 10 percent is improved cash flow that could be used to pay other expenses of the property. Energy Capital contends that the potential savings, beyond what is required to repay the AHELP loan, would convince first mortgagees to consent to an AHELP loan.

Furthermore, Energy Capital was willing to pay first mortgagees a fee equaling 10 basis points to consent to a loan.[FN24] Robert Brozey from Energy Capital testified that it was standard practice to purchase the consent of first mortgagees. Brozey deposition, which was submitted into evidence, page 81; *see also* Tr. 1032 (Cohen testimony). Zappone from NHP confirmed that her company, which frequently negotiated with first mortgagees, usually could obtain the consent of first mortgagees if the first mortgagees were paid. Tr. 2171.

FN24. *See* Tr. 607 (Siegel testimony).

The Defendant emphasizes that the energy savings are speculative and not guaranteed. Although Energy Capital may try to structure the AHELP loan to have debt service coverage of 110 percent, the savings depends on utility rates. Because utility rates in the future are not known, the savings are unpredictable. Furthermore, Energy Capital in the AHELP Agreement does not guarantee a particular energy savings. The speculative savings must be compared to the absolute obligation to repay the AHELP loan. With or without any energy savings, the property owner must repay the AHELP loan. The government reasons that because repaying the AHELP loan takes away money that would otherwise be available for repaying the primary loan, first mortgagees would be unwilling to risk a default and therefore refuse to consent to an AHELP loan.

Historically, the rate of default for these properties is extremely low. Tr. 2643. Both the Plaintiff and the Defendant use this fact to support its position. The Plaintiff argues that the historically low default rate means that first mortgagees should have less fear about a default. The Defendant argues that the historically low default rate means that first mortgagees have less reason to take steps necessary to improve the cash flow of the secured property because the property is already succeeding.

As mentioned previously, neither party called a witness from any first mortgagee. Both the Plaintiff and the Defendant listed David Carey and Thomas White from Fannie Mae on their lists of proposed witnesses submitted before trial. The Defendant also listed Robert Gould, whom the Defendant identified as being employed by a company that held the first mortgage on a significant percentage of properties eligible for AHELP. (The Plaintiff did not list any first mortgagees, other than representatives from Fannie Mae.)

Although there is authority to the effect that an adverse inference may be drawn against a party that knows about a witness with information on a material issue and fails to call that witness, here, the Court declines to use the adverse inference against either party, because "[a]n unfavorable inference may not be drawn from the lack of testimony by one who is equally available to be called by either party." *A.B. Dick Co. v. Burroughs,* 798 F.2d 1392, 1400 n. 9 (Fed.Cir.1986) (citing *Johnson v. Richardson,* 701 F.2d 753, 757 (8th Cir.1983)).[FN25] Both parties listed representatives of first mortgagees. Therefore, the Court concludes that these potential witnesses were equally available to the Plaintiff and to the Defendant.[FN26]

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FN25. ***See also*** *Day and Zimmermann v. United States,* 38 Fed.Cl. 591, 602 (1997). As the fact finder, this Court has discretion about whether an adverse inference is appropriate. *A.B. Dick Co. v. Burroughs,* 798 F.2d 1392, 1400 (Fed.Cir.1986).

FN26. The Court notes that no one has argued that these people were somehow "unavailable."

From the arguments and evidence (or lack thereof) presented by the parties, the Court ***407** initially finds that it is as likely that first mortgagees would consent as not. Expressing this mathematically as a 50 percent consent rate, the court adds a percentage to account for incentives to consent. These include: (a) first mortgagees are likely to follow the example of Fannie Mae, the largest holder of first mortgages, (b) first mortgagees are likely to be influenced by HUD, the insurer of its mortgages, and (c) a payment to first mortgagees would increase the likelihood of obtaining their consent.[FN27] As a result, the Court finds that two-thirds of the non-Fannie Mae first mortgagees would consent to an AHELP loan.

FN27. Energy Capital's cash flow model does not account for these payments.

Although this figure has the attraction of being between the Defendant's estimate of zero and the Plaintiff's estimate of 83 percent, it is more compelling when it is viewed as the average number (66 percent) between two "reasonable" estimates, which are 50 percent and 83 percent.

The Defendant did not offer a reasonably low estimate. The number used by the Defendant, zero percent, is far too low.[FN28] That number ignores that the AHELP Program offers some benefits to first mortgagees. While the Court expects that the experts will differ in their opinions, the Court expects that both opinions should be reasonable.

FN28. The Defendant explains that Hisey was not opining on the number of first mortgagees that would consent. Instead, Hisey was conducting a "sensitivity analysis." According to the Defendant, the purpose of the sensitivity analysis was to show that if one variable changed, then the final result would change. Tr. 3484-91, 4424 (closing)

The import of the sensitivity analysis is not clear. It is axiomatic that changing one variable in an equation will change the result of the equation. An expert is not required to testify to such a common sense proposition.

To have any validity, sensitivity analysis must make "reasonable" substitutions. For the issue of whether non-Fannie Mae first mortgagees would consent, Hisey used "zero," a figure that is not justified. Using numbers that lack any rational basis will change the result dramatically. But a significant change in result is unwarranted when the factors used to reach the result are arbitrarily selected. Thus, this Court does not credit Hisey's estimate. ***See*** *Burns v. Secretary DHHS,* 3 F.3d 415, 417 (Fed.Cir.1993) (affirming fact finder's rejection of expert's opinion where the underlying facts were not substantiated by the record); *Loesch v. United States,* 645 F.2d 905, 915, 227 Ct.Cl. 34, 46 (1981) (stating "opinion evidence is only as good as the facts upon which it is based.")

The Court is also skeptical about the number used by the Plaintiff, 83 percent. This number is slightly too high because the Plaintiff's estimate fails to consider that the risk of default even without an AHELP loan is relatively minimal. Although the number is too high for the Court to accept as a "fact," the estimate is within the reasonable range.

Thus, the average number between the "reasonable" estimates of 50 percent and 83 percent is accurate. The Court finds that 66 percent of non-Fannie Mae first mortgagees would consent.

(3) Summary of First Mortgagee Consent

The Court finds that Fannie Mae would consent to AHELP loans being placed on properties where it was the first mortgagee. The Court additionally finds that Fannie Mae holds the first mortgages on 40 percent of the Field Notice properties.

Additionally, the Court finds that 66 percent of non-Fannie Mae first mortgagees would consent. These nonFannie Mae first mortgagees collectively hold 60 percent of the first mortgages.

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Consequently, the Court finds that overall approximately 80 percent of first mortgagees would consent. This figure is lower than the number proposed by the Plaintiff's expert, which was 90 percent.

3. Summary of Willingness to Participate

For Field Notice properties, the consent of first mortgagees is one of three mutually exclusive factors that comprise the category "willingness to participate." Owner interest, which is discussed in Section a, above, eliminates 34 percent of the properties. A decision by Energy Capital to reject the properties excludes an additional 11 percent.

When these three factors are considered jointly, the total exclusion is 53 percent. The ***408** participation rate is 47 percent for Field Notice properties.

The analysis for Section 202 properties is slightly different because Section 202 properties do not have the issue of first mortgagee consent. (Or, viewed differently, because HUD was the first mortgagee for Section 202 properties and HUD endorsed the AHELP Program, 100 percent of first mortgagees would consent.) When only "owner interest" and "Energy Capital's disqualification" are considered, the result is 59 percent.

Accordingly, the participation rate for Section 202 properties is 59 percent.

F. Analysis of Quantity of Loans Originated

Having evaluated the number of eligible properties, the percentage of properties that are energy viable, and the percentage of properties that would participate in the Program, the Court can find the number of loans that would be originated, as indicated on the table below.

Number of Loans Originated

Type of Property	Number of Subtotal Properties	Energy Viability (%)	Participation Rate (%)	
Field Notice	7,782	16	47	585
Section 202	2,955	16	59	279
Total				864

But this number does not reflect a dollar amount. Although it is theoretically possible for Energy Capital to make 864 loans, the dollar amount per loan is important because the AHELP Agreement was limited to $200 million. Therefore, the Court turns now to the question of the average loan size.

G. Step 4: Average Loan Size

The parties approach the issue of average loan size dramatically differently. Both approaches are flawed. After compensating for the errors, the Court finds that the average loan size is $2,800.

The Plaintiff's expert, David Smith, focused on the average cost of the core improvements. The AHELP Agreement approves five energy-efficiency measures, which the parties call the "core improvements." The Procedures Manual sets out a price range for each of the five. The most expensive improvement was a conversion from electric to gas heat. The price range for this improvement was $2,500 to $3,500 per apartment unit. Each of the other four improvements cost less than $1,000.

Smith assumed that a property would want to install all five core measures. Smith added the average price for each core improvement. This sum is $3,900. Smith then added an extra 15 percent for "soft costs." [FN29] Smith also reduced the figure by about 11 percent to present a more conservative, and therefore more reliable, figure. Smith's final number was $4,000.

FN29. "Soft costs" are the amount of money that it costs to get the loan. The parties do not dispute the estimate of 15 percent for soft costs.

The Court finds an error in Smith's analysis. Smith assumed that all properties would have an electric-to-gas improvement. This assumption cannot be sustained because the Court has found that only 35 percent of the eligible housing had electric resistance heating. *See* Section VII.D., above.

The Defendant's expert, David Hisey, focused on those improvements that property owners had requested in their PECs. Hisey specifically limited his search to PECs from

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properties in cold weather climates because Energy Capital was focusing on cold weather states. One hundred PECs came from cold weather states. For whatever improvement was requested on these 100 PECs, Hisey used the average cost of that improvement (which was the same average cost used by ***409** Smith). Hisey looked at what owners were requesting; he did not assume that property owners would want all improvements. Hisey also added 15 percent for soft costs. Hisey's evaluation concludes that the average loan size was $2,000.

Hisey's method is seriously flawed by including loans for zero dollars. When a property owner requested an improvement other than a core improvement, Hisey said that the loan was for zero because Energy Capital could not make loans for non-core improvements without additional authorization for HUD. Seventeen of the 100 PECs requested non-core improvements. But instead of removing these properties from the pool of properties used to calculate average loan size, Hisey added them in as loans for zero dollars. By doing so, Hisey has unfairly skewed the average loan size in an unreasonable and unwarranted way. Simple business sense indicates that Energy Capital would not make a loan for zero dollars.

Hisey's explanation for his approach lacks justification. Hisey contended that he could have either (a) entered a zero amount for the loan or (b) deleted this property from the eligible properties in some other category. Quite clearly, entering a zero amount for loans overemphasizes the significance of these properties. When seventeen properties are considered in a set of 100 properties, those seventeen properties are seventeen percent. If these same 17 properties were considered in a set of all eligible Field Notice properties, which is 7,782 properties, those 17 properties are only two tenths of one percent. It is simply unfair and unreasonable to consider properties that were ineligible for the AHELP Program in the category for average loan size.[FN30]

FN30. On cross-examination, the Plaintiff pointed out other errors in Hisey's analysis. These mistakes affect the average loan size in small amounts:

Hisey mischaracterized two properties (Centreville Commons and Woodside Village.)

Hisey also included Energy Capital as making loans for less than $100 per apartment. For the reasons explained above, Energy Capital would not make loans for such a small amount. Accordingly, these properties should not be factored into the average loan size.

The Court has corrected Hisey's errors. After recalculating the average loan size and including soft costs for 15 percent, the average loan size is $2,585.

This figure is a valid baseline. The Court increases it by about 10 percent, because Hisey's methodology fails to consider that Energy Capital would try to make loans for the largest amount possible. The most lucrative loans are those loans that include an electric to gas conversion. Although Smith's analysis overstates the number of properties that would benefit from an electric to gas conversion, it would be equally unwarranted to ignore Energy Capital's sensible strategy of focusing on these properties. If a large proportion of loans included electric to gas conversions, then the average loan size would increase. A proper calculation of average loan size should

Total Loan Dollars Originated

recognize this fact.

Accordingly, the Court finds that the average loan size is slightly greater than the baseline figure established by Hisey's analysis. The average loan size is $2,800 per unit.

H. Total Revenue Generated

After establishing the number of properties eligible for AHELP and the average loan size per unit, the final step is to determine the total amount of loans that Energy Capital could have made.

Preliminarily, the Court needs to establish the average number of units per property. Using information from Smith, the average number of units for the "Field Notice" properties is about 102.[FN31] The parties agree that ***410** the average number of units for Section 202 properties is 73.

FN31. Smith assumed that the average number of units per property is 130. Although Smith was cognizant that a strict mathematical averaging of

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the "field notice" properties yields the number 101.8, Smith stated that he was attempting to calculate the average number of units per property *where Energy Capital would close a loan.* The Court understands that trying to close a loan on a property with a greater number of units makes sense from a business perspective. The Court, however, was given no factual foundation to justify an increase from 101.8 to 130. Thus, the Court will use 102 units per property.

This decrease has a significant effect on the total size of a loan per property. While Smith calculated the average loan size per property as $520,000 ($4,000 per unit multiplied by 130 units per property), the Court calculates the average loan size per property as $285,600 ($2,800 per unit multiplied by 102 units per property).

Property Type of	Eligible Properties	Number of Units per Property	Average Subtotal per Unit	Loan Average
Field Notice	585	102	2,800	167,076,000
Section 202	279	73	2,800	57,027,600
Total	864			224,103,600

As indicated in the table above, the potential total loan revenue generated is $224,103,600, which is about 12 percent more than the $200,000,000 maximum amount allowed under AHELP. Consequently, the Court finds that Energy Capital would have originated the full amount.

The Court finds that this estimate is reasonable because each of the component steps is reasonable. The Court has reached this number after modifying the numbers proposed by each party. In doing so, the Court has *not* given any credit to the Plaintiff for the discrepancy in the number of Field Notice properties and Section 202 properties. *See* footnote 11 and 14, above. Because the Defendant actually proposed numbers that were higher than the Plaintiff's numbers, the Court's conclusion, which is based on the Plaintiff's number of properties, is partial to the Defendant.

Accordingly, the next step is to analyze the cash flow models. These models place the income stream to be derived from the loans into the context of an ongoing business that also incurs expenses.

VIII. Reasonable Certainty: Part 2-Profitability

A. Cash Flow Models

The Plaintiff retained Jerry Arcy, an accountant from PriceWaterhouseCoopers, to testify about the cash flow Energy Capital would have had if it had originated $200 million in loans. Arcy used a set of assumptions in calculating the income and expenses of Energy Capital's AHELP line of business. The Defendant did not retain a separate expert for this part; David Hisey also testified about the cash flow.

Arcy and Hisey approached the cash flow with the same model. Each started with a particular loan volume, deducted the estimated expenses, and determined the profit. This process produced an amount of lost profits to which Energy Capital was entitled.[FN32] These approaches are set out in the following chart:

FN32. Of course, the Defendant, through Hisey, does not concede that Energy Capital is entitled to lost profits. Instead, the Defendant contests the award of lost profits and proposes Hisey's figure only as an alternative.

Summary of Parties' Positions on Cash Flows

	Plaintiff-Arcy	Defendant-Hisey [33]
Loan Volume (dollars)	200,000,000	55,500,000
Total Cash Inflow (dollars)	342,261,000	100,542,616
Total Cash Outflow (dollars)	317,633,000	96,777,593
Net Cash Flow (dollars)	24,628,000	3,765,023

FN33. The Court reproduces Hisey's analysis for the Field Notice properties and Section 202. Hisey also examined the Field Notice properties without including the Section 202 properties.

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***411** This chart summarizes a considerable amount of information and many details are eliminated. The following sections bring out these details.

B. Net Cash Flow

Simply put, the "Net Cash Flow" is the "Total Cash Inflow" minus the "Total Cash Outflow." The most important variable in calculating the net cash flow is the total loan volume. The total loan volume determines how much income is received and also affects how much money is expended.

1. Total Loan Volume and Number of Loans

For total loan volume, Arcy and Hisey differ by almost a factor of five. In the preceding section, the Court found that Energy Capital will originate $200 million in loans. Thus, Arcy's model starts at the same place the Court does: $200 million in total loan volume.

In addition to total loan volume, another important variable is the number of loans needed to reach that volume. Although Arcy correctly assumes that Energy Capital would make $200 million in loans, Arcy wrongly figures that Energy Capital could reach this ceiling with only 385 loans.

Arcy relied on the work of Recapitalization Advisors, a consultant to Energy Capital on the AHELP Program, for the average loan size. The preceding sections of this opinion extensively discuss the accuracies and inaccuracies in the Recapitalization Advisors report. The most critical error in this report is that it overestimates the average loan per unit and overestimates the average number of units per properties. Thus, the average loan size is wrong. *See* footnote 31, above.

The Court has determined that Energy Capital could make loans to 864 properties. These loans would generate a total of $224,103,600. Because this figure is above the maximum amount, Energy Capital would not actually make loans to 864 properties. Instead, Energy Capital would make loans to 771 properties, which, coincidentally, is almost exactly double 385.[FN34]

FN34. The Court did not choose to nearly double 385 to arrive at 771. It arrived at the figure of 771 by calculating the weighted average total loan and then dividing that number into $200 million. The result is 771.

2. Total Revenue

Total revenue to Energy Capital remains almost the same, although the number of loans doubles. This constancy is because Energy Capital's primary source of income is the repayment of the AHELP loans with interest and these proceeds are independent of the number of loans. In other words, if $200 million is loaned, the total revenue will be $200 million plus interest, regardless of the number of loans.[FN35] Therefore, Arcy's model for revenue is reasonably correct, because Arcy's model starts with the correct total amount of loans: $200 million.

FN35. It is mathematically true that, all other factors remaining constant, ten loans of $10 will earn as much interest as one loan of $100. Assuming a loan volume of $200 million, the number of loans does not affect the total proceeds from borrowers. Tr. 2234, 2288.

Both Arcy and Hisey agree that the repayment of the AHELP loan with interest is the main source of income. In both models, the proceeds from borrowers is nearly 97 percent of the total income for Energy Capital.

The remaining 3 percent of Energy Capital's income has two different components. One component is certain fees associated with the loan applications. Because there is a fee for each loan, the amount of fees increases as the number of loans also increases. The increase in fee revenue offsets, somewhat, the increased expenses, described in the following section. The other component of the remaining three percent is the recovery of money from certain funds that Energy Capital was required to set up as security. The increase in the number of loans does not affect the recovery from these funds.

***412** Thus, although the Court has found that Energy Capital would need to generate nearly double the number of loans to reach $200 million, the Court also finds that the total inflow to Energy Capital is almost exactly the same as proposed by Arcy. Arcy's model remains predominantly accurate.

A problem, however, with Arcy's model concerns the pace of loan origination. Arcy assumed that the first loan would

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close in April 1997 and the last loan would close in October 1998. During these 19 months, there was a gradual increase in the number of loans closed per month.

The Court finds that the first loan would not close in April 1997. No property was close enough at the time of termination to close so soon. By the middle of February 1997, Pine Estates II (the prototype property) had progressed, with some difficulties, to the stage of having an energy audit conducted. The energy audits that had been done were not acceptable. Even after the energy audit was approved, there were several remaining steps. Energy Capital's own documents predict that 7 weeks would pass from the completion of the energy audit to the loan closing. *See* DX 255/2; *see also* PX 75 (estimating on February 14, 1997 that the first loan would not close for 45 days). Further, although Energy Capital's estimate of 7 weeks may be a reasonable estimate for the average property, it is likely that the first property would take approximately twice as much time as Energy Capital estimated.[FN36] Thus, the Court finds that the first loan would close July 1, 1997.

FN36. For example, Pine Estates II stayed in the energy audit stage longer than expected because Energy Capital was establishing procedures to be used for other properties.

Energy Capital's receipt of any loan proceeds would be delayed by about three months. This shift would affect, in a very small way, Arcy's cash in-flow model. The effect is minimized because Arcy assumed that the borrowers would pay equal amounts of principal and interest each month, that is, Arcy "straightlined" the profits. In doing so, Arcy's model is conservative because the receipt of interest is somewhat delayed. If the AHELP Program had actually proceeded, the borrowers would have repaid a greater amount of interest in the beginning of the loan and less interest at the end of the loan. (This repayment structure is like a typical repayment on a home mortgage.) Since Arcy already delayed the receipt of interest throughout the course of a 12-year loan, a further 3-month delay in the commencement of the interest payments will not change the cash flow significantly.

In summary, for the revenue side of the ledger, Arcy's model is reasonably accurate. The two corrections (number of loans and origination date of the first loan) would have minimal effect. The Court will use
$342,261,000 as the total revenue.

3. Total Expenses

According to Arcy's model, total expense has the following components: (1) repayment of money to Fannie Mae, (2) payments to different escrow funds, (3) payments for salaries and employee benefits, (4) miscellaneous fees, and (5) payments to first mortgagees. The parties do not dispute that these are the components of outflow, but their figures are different

The Court finds that Arcy's total expense model is reasonably accurate. This is true even when the necessary adjustments are made to account for the inaccuracies in the number of loans and payments to first mortgagees that the Court found. Arcy's model remains reasonably accurate even after these corrections, because the main outflow, repayment to Fannie Mae, is not affected.

Energy Capital's source of funding was Fannie Mae. Fannie Mae loaned capital to Energy Capital and Energy Capital, in turn, loaned money to property owners. When the loan is repaid, the flow of capital reverses. Property owners repay Energy Capital. While keeping some profit for itself, Energy Capital repays Fannie Mae.

Thus, the main expense in the AHELP Program was repaying Fannie Mae. Arcy estimated that this expense was 94 percent of total expenses. For Field Notice properties, Hisey estimated this expense as nearly 90 percent and for Field Notice and Section 202 properties as 91 percent. (Hisey prepared ***413** different cash flow models for just the Field Notice properties and the Field Notice properties with the Section 202 properties.)

For the reasons explained in the section on total inflow, above, the number of loans does not affect the repayment. Regardless of whether Energy Capital makes 385 loans or 771 loans, Energy Capital will need to repay Fannie Mae $200 million (plus some interest). Accordingly, it is very important to understand that at least 90 percent of Fannie Mae's expenses are constant. Only within the remaining 10 percent is there room for any change.

Another expense that does not depend on the number of loans is payments to different escrow funds. Energy Capital is required to set aside money for certain potential misfortunes such as an equipment failure or a default, but since Energy Capital sets aside a percentage for each loan, the number of loans does not affect this fund. In other

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words, as long as Energy Capital generates $200 million in loans, it must fund these other accounts with the same amount of money. Payments to these various accounts are 1.9 percent for Arcy and 1.7 (Field Notice) and 1.4 percent (Field Notice and Section 202) for Hisey. The fact that these expenses remain constant further shrinks the proportion of expenses that are variable to about 8 percent.

While repayment of Fannie Mae and payments to different funds, which account for 92 percent of total outflow, do not depend on the number of loans, the largest expense of the remaining 8 percent of total outflowpaying salaries and benefits for Energy Capital employees-is affected. Arcy has this category as 1.8 percent of all expenses. Hisey has salaries and benefits as 3 percent (Field Notice) and 3.6 percent (Field Notice and Section 202). The smaller percentage for Arcy can be attributed to a certain economy of scale. The important point is not the exact percentage, but rather the relatively insignificant size.

Under the Court's findings, Energy Capital would have to originate double the number of loans to place $200 million in loans. A doubling for the number of loans suggests that the sales force and support staff must increase, perhaps double, to accomplish this additional work.

The other expenses would also have to grow to accommodate the increased number of loans. These expenses include the fees for closing the loans, rent, legal services and other professional fees. Again, although these fees would increase, the increase is relatively trivial for the size of the AHELP Program.

For purposes of calculating the net profit, the Court estimates that all these expenses would double. This increase is somewhat imprecise to the Plaintiff's detriment because it is likely that expenses would not actually double. Economies of scale and increased efficiencies suggest that twice as much work is not required to produce twice as much revenue. Regardless of the imprecision, it is still reasonable that a sum of $23,264,000 as variable expenses should replace the sum that Arcy used, $11,632,000.

Because of the disagreement between the Court and Arcy on payments to first mortgagees, this component will also have to be adjusted. Arcy assumed that Energy Capital would not pay first mortgagees anything as an incentive to consent to AHELP loans being placed on their properties. Tr. 2217. This assumption is false for nonFannie Mae first mortgagees because as the Court previously discussed first mortgagees would be more agreeable if they receive financial compensation for their cooperation. Tr. 2171. In the Court's model, roughly 310 properties need consent from the first mortgagee. Payments to the first mortgagee would be about $885,000. This sum must be subtracted from Arcy's model as well.

When these two changes are made, the total cash outflow is $330,150,000. After deducting this amount from the total cash inflow, the net profit is $12,111,000 before discounting.

4. Analysis of Cash Flow

The preceding two sections have analyzed, in great detail, the potential inflows and outflows. It is possible that details have distracted from the larger picture.

***414** The Court has found that Energy Capital would have placed loans for $200 million. *See* Section VII. Assuming that Energy Capital would have placed loans for $200 million, the next question is what is the profit on those loans. The profit comes from the spread, the difference between how much it costs Energy Capital to get the capital and how much Energy Capital sells the capital. This spread is 1.87 percent. The 1.87 percent spread on $200 million in loans is the gross profit for the loans.

From the gross profit, the Court must subtract the expenses associated with placing the loans. As discussed, some expenses vary with the number of loans. These expenses are reasonably estimated, although the Court admittedly is using an estimate different from the number used by the Plaintiff's expert.

The Court finds that Energy Capital has established that it would have earned a net profit of $12,111,000 on the AHELP loans, which have a duration of about 12 years. Since this profit would have been realized in the future, the Court must discount the figure to the present day to prevent a windfall for the Plaintiff.

C. Summary of Reasonable Certainty Analysis

The Court's finding that Energy Capital's lost profits were proven with reasonable certainty fits into the pattern of precedents about lost profits, starting with *Neely v. United States,* 285 F.2d 438, 443, 152 Ct.Cl. 137, 146 (1961) and *Neely v. United States,* 167 Ct.Cl. 407, 167 Ct.Cl. 407

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(1964) a case where lost profits were awarded. The lease in *Neely* permitted the Plaintiff to mine coal from a 2,000 acre plot of land. *Neely I,* 285 F.2d at 439, 152 Ct.Cl. at 139. The Plaintiff could, then, sell the ore to purchasers for a profit. The Court of Claims found that the Plaintiff established the amount of lost profit by introducing evidence of how much profit the Plaintiff's assignee earned when after actually mining the ore. *Neely I,* 285 F.2d at 443, 152 Ct.Cl. at 147. Although the United States emphasizes that the Court of Claims affirmed the award of lost profits because of the performance by another party, *Neely* is not necessarily so limited.

When viewed from one perspective, the facts here compare to the facts in *Neely*. The Plaintiff in *Neely* had the right to use a specific resource --- the plot of land and the coal beneath it. The quantity of coal was finite and easily established. The amount of coal was an outer boundary on the Plaintiff's income. After all the coal was extracted, the Plaintiff could not generate any more income from this contract.

Likewise, Energy Capital had a chance to use a specific resource. The sum of $200 million is like the quantity of coal. Each loan Energy Capital originates is like extracting some of the ore. When the $200 million is depleted, Energy Capital cannot earn any more revenue from the contract. Therefore, this case is analogous to *Neely* in that the source of revenue is easily established.

In cases where lost profits were too speculative to be awarded, the revenue is unpredictable. For example, the Plaintiff in *L'Enfant Plaza Properties* sought lost profits for its inability to lease Washington D.C. office building space for 15 years. The Court found that evidence that the office space could be leased was insufficient, in part, because of the vagaries of the market for office space. *L'Enfant Plaza Properties, Inc. v. United States,* 3 Cl.Ct. at 590-91. *L'Enfant Plaza Properties,* therefore, represents a situation where the Plaintiff could not establish its source of revenue with certainty.

Similarly, in *Northern Paiute Nation,* the source of revenue was uncertain. The Plaintiff sought lost profits it would have earned by charging for access to an irrigation system that the United States had promised to construct for the Plaintiff. *Northern Paiute Nation v. United States,* 9 Cl.Ct. at 645-46. The court found that the Tribe could not establish the amount of money it could have

Summary of Parties' Positions on Discounting

earned because how the Tribe would have charged for access to this resource was undetermined. Accordingly, the court denied an award of lost profits. *Id.*

This case differs from *L'Enfant Plaza Properties* and *Northern Paiute Nation* in that Energy Capital proved that within 3 ***415** years of signing the AHELP Agreement, it would have completely consumed its source of revenue and reached the $200 million cap on loan origination. Thus, lost profits are reasonably certain. The AHELP loans, however, would have been repaid over the course of 10-12 years. Since Energy Capital would earn these lost profits in the future, the Court will address the issue of discounting.

IX. Discounting to Present Value

A. Introduction

As a consequence of finding that lost profits should be awarded, the Court must discount the sum of the lost profits to a present value.[FN37] The Court does so because the value of a particular sum of money presently held is greater than the value of the same sum of money to be received in the future. *LaSalle Talman Bank, F.S.B. v. United States,* 45 Fed.Cl. 64, 109 (1999). The Court's analysis is somewhat hampered because "[t]here is relatively little authority respecting the discount rate that should be used in reducing prospective damages to present value in actions for breach of contract." 8 Proof of Facts 2d, Discount Rate, § 8-1. *See also,* Peter Schulman, *Economic Damages: Discounting Concepts and Alternatives,* 28 Colo. Law. 41, 45 (1999).

FN37. The Court believes that issues about discounting are separate from issues about reasonable certainty. The Plaintiff's accuracy in discounting does not affect whether it has calculated its lost profit damages with reasonable certainty.

In regard to discounting, the parties argue over two issues: the date to which lost profits are discounted and the discount rate. Their competing positions are presented in the chart below. The Court resolves these issues in favor of the Plaintiff.

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	Plaintiff-Arcy	Defendant-Hisey
Net Cash Flow (dollars)	24,628,000	3,765,023
Discount Rate (percent)	10.5	25.0
Date of Discount	October 1, 2000	January 1, 1999
Total Lost Profits (Present Value) (dollars)	13,700,000	2,700,133

B. Date of Discounting

The Plaintiff argues that damages should be discounted back to the date of judgment. This is also referred to as discounting to the date of trial. "The concept of discounting future damages to the date of trial is sometimes referred to as 'ex-post' discounting." Peter Schulman, *Economic Damages: Discounting Concepts and Alternatives,* 28 Colo. Law. 41, 43 (1999). In contrast, the Defendant urges this Court to discount the damages back to the date of breach, which is February 14, 1997. "The concept of discounting future damages to the date of breach is sometimes referred to as 'ex-ante' discounting." *Id.*

The Court of Federal Claims has recently analyzed the law regarding the date to which a damage award is discounted within the context of a claim for replacement capital in a *Winstar* [FN38] case:

> FN38. In *United States v. Winstar,* 518 U.S. 839, 116 S.Ct. 2432, 135 L.Ed.2d 964 (1996), the Supreme Court held that the United States breached contracts with financial institutions when Congress passed the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA). Since that opinion, the Court of Federal Claims has issued opinions in several different cases about the amount of damages to which the financial institution is entitled.

The law in this circuit is that expectancy damages on an ongoing contract are not discounted to the date of breach. Instead, post-breach damages prior to the date of judgment are not discounted, and future damages (as of the date of judgment) are discounted by the rate of return on "conservative investment instruments." *LaSalle,* 45 Fed.Cl. at 108-09 (citing ***416***Northern Helex Co. v. United States,* 634 F.2d 557, 564, 225 Ct.Cl. 194, 205 (1980); *Northern Helex Co. v. United States,* 524 F.2d 707, 722, 207 Ct.Cl. 862, 890 (1975)).[FN39]

FN39. "Ongoing contract" means one, as in this case, in which damages would have accrued on an ongoing basis over the course of the contract, absent the breach. That is, the Plaintiff would have earned money after the date of judgment.

With one clarification, this Court agrees with the holding of *LaSalle* because of the persuasiveness of the underlying reasoning, which is worth quoting:

> The general rule in this circuit is that "[t]he time when performance should have taken place is the time as of which damages are measured." *Reynolds v. United States,* 141 Ct.Cl. 211, 220, 158 F.Supp. 719, 725 (1958). In many cases, the appropriate date for calculation of damages is the date of breach. ***See*** *Estate of Berg v. United States,* 231 Ct.Cl. 466, 469, 687 F.2d 377, 380 (1982); *Cavanagh v. United States,* 12 Cl.Ct. 715, 718 (1987); *Northern Paiute Nation v. United States,* 9 Cl.Ct. 639, 643 (1986); ***see also*** *Northern Helex II,* 524 F.2d at 721 (holding that an offset to lost profits based upon the excess value of a physical plant is determined by measuring the fair market value of the plant at the time of breach). But that rule does not apply to anticipated profits or other expectancy damages that would have accrued on an ongoing basis over the course of the contract, absent the breach. In these circumstances, damages are measured throughout the course of the contract. To prevent unjust enrichment of the plaintiff, the damages that would have arisen after the date of judgment must be discounted to the date of judgment. ***See*** *Northern Helex III,* 634 F.2d at 564 (discounting the portion of anticipated profits that would have arisen after the date of judgment).

LaSalle, 45 Fed.Cl. at 108-09 n. 66.

This Court agrees with *LaSalle's* interpretation of *Northern Helex III,* 634 F.2d at 564, 225 Ct.Cl. at 205, a decision of the Court of Claims, which is binding precedent. *Northern Helex III* discounted the amount of $34,175,989 to October 31, 1980 at a rate of 9 percent and arrived at a figure of $33,457,400. *Northern Helex III,* 634 F.2d at 564, 225 Ct.Cl. at 204-05. It is apparent that the undiscounted sum ($34,175,989) represented lost profits for 13 years from 1970 to 1983. The lost profits for approximately 3 years (from 1980 to 1983) were "future" lost profits in that the profits would have been earned after the date of final judgment.

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LaSalle accurately states the law from *Northern Helex* in regard to future lost profits: these damages must be discounted to the date of judgment.

This Court clarifies one small point that is implicit in *LaSalle.* Discounting is required only when the Plaintiff is recovering money it would have earned after the date of judgment.[FN40] *LaSalle* says as much, although in slightly different terminology, when it says discounting is used for "expectancy damages that would have accrued on an ongoing basis over the course of the contract, absent the breach." *LaSalle,* 45 Fed.Cl. at 108-09 n. 66.

FN40. Discounting is based on a premise that a dollar possessed today is worth more than a dollar paid tomorrow. When the Plaintiff is not seeking "tomorrow's dollars," discounting is not necessary because the Plaintiff will not receive a windfall.

[10] This passage could create confusion when the Plaintiff is seeking "past" lost profits. "Past" lost profits are those profits that would have been earned after the breach but before the date of judgment. Past lost profits are damages that would fit within *LaSalle's* language because they would "accrue on an ongoing basis over the course of the contract." *Id.* Past lost profits cannot be "discounted" to the date of judgment because that would be mathematically impossible. But, past lost profits could be discounted to the date of breach. Some jurisdictions call for discounting to the date of breach when prejudgment interest is also awarded. ***See, e.g.,*** *Jones & Laughlin Steel Corp. v. Pfeifer,* 462 U.S. 523, 538 n. 22, 103 S.Ct. 2541, 2551 n. 22, 76 L.Ed.2d 768, 784 n. 22 (1983); *Navistar International Transportation Corp. v. Pleasant,* 887 P.2d 951, 959 (Alaska 1994) ("[i]f future damages were discounted back to the time of injury, it would be appropriate to allow prejudgment interest on future*417 damages so discounted."). But this Court is not aware of any cases in the Federal Circuit that require discounting to the date of breach. Accordingly, this Court understands *LaSalle* to say that discounting, to the date of judgment, is appropriate for those damages that would have been earned in the future when viewed from the perspective of the date of judgment.[FN41]

FN41. *LaSalle,* itself, recognizes that in *Northern Helex*"[n]o discount was applied to lost profits for the period from the breach through the date of judgment." *Id.* at 109 n. 67.

The efforts by the United States to argue against discounting to the date of judgment and against *LaSalle* are unpersuasive. First, the United States notes that *LaSalle* discusses the date of discount in the context of the cost of replacement of capital after specifically rejecting the Plaintiff's claim for lost profit. Although it is true that *LaSalle* discusses the discount date in this context, the United States presents no argument why this fact makes any difference. *LaSalle* establishes when the date on which future damages are discounted. *LaSalle's* rule applies with equal force regardless of whether the damages are for lost profits or for the cost of replacement capital.

The United States also makes a second argument that *LaSalle's* comments should not be followed because they are dicta. The United States, again, is partially correct in that *LaSalle* did not actually award any damages for the cost of replacement capital. But, this outcome does not affect the strength of *LaSalle's* reasoning. *LaSalle* examines the binding precedent and its analysis is persuasive. This Court sees no reason to deviate from *LaSalle's* statement of the law, except for the small point discussed with regard to past lost profits.

[11] Accordingly, the Court holds that the future lost profits [FN42] should be discounted to the date of judgment, not to the date of breach.

FN42. According to Arcy's model, the Plaintiff would not make profit for a year until 1999. Thus, almost all profits are future lost profits.

C. Rate for Discount

1. Parties' Arguments

Another issue related to discounting, but separate from the date of discounting, is the rate of discounting. The discount rate reflects the concept that the money awarded today will accumulate interest and grow to approximate the money that the Plaintiff would have earned in future lost profits over the course of the contract.

The parties endorse different rates. The Plaintiff, itself, has advanced two different theories. At trial, the Plaintiff presented Arcy's model that used a discount rate of 10.5 percent. In post-trial briefing, the Plaintiff argued that *LaSalle* used a risk-free rate of return, which *LaSalle* suggested was the current rate of interest on Treasury

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securities. *LaSalle,* 45 Fed.Cl. at 109, n. 69. The Defendant contended that the discount rate must account for some element of risk and proposed that the discount rate should be 25 percent.

2. Burden of Proof on Rate of Discount

[12] The law as to whether the burden of proof is on the Plaintiff or Defendant is unsettled. ***See, e.g.,*** *Gorniak v. National R.R. Passenger Corp.,* 889 F.2d 481, 486 (3rd Cir.1989) (placing burden on Plaintiff); *Alma v. Manufacturers Hanover Trust Co.,* 684 F.2d 622, 626 (9th Cir.1982). Two recent state court decisions squarely addressed this issue. Both placed the burden on the Defendant. *Wingad v. John Deere & Co.,* 187 Wis.2d 441, 523 N.W.2d 274, 278 (App.1994); *CSX Transp., Inc. v. Casale,* 247 Va. 180, 441 S.E.2d 212, 216 (1994) (relying on *Chesapeake & Ohio Ry. v. Kelly,* 241 U.S. 485, 489, 36 S.Ct. 630, 631, 60 L.Ed. 1117 (1916)).

The Court agrees with the reasoning in the cases that place the burden on the Defendant. The reduction to present value lessens (or mitigates) the damages paid by the Defendant. Since the Defendant benefits from the discounting procedure, it is fair to place the burden of presenting the evidence to the court on the Defendant. *CSX Transp.,* 441 S.E.2d at 216.

***418 3. Court's Ruling**

[13] The Court holds that the appropriate discount rate is the rate of return on "conservative investment instruments." *Northern Helex III,* 634 F.2d at 564, 225 Ct.Cl. at 205; ***see also*** *LaSalle,* 45 Fed.Cl. at 109 (quoting same).

The statement in *Northern Helex III* that equates the discount rate with the return on conservative investment instruments remains binding on this Court. Although the Court of Claims does not explain its reasoning, its decision is clear and must be followed. Given that the discount rate should equal the return on conservative investment instruments, the question is what is the return on conservative investment instruments? In its discussion of *Northern Helex III, LaSalle* accepted the premise that "conservative investment instruments" are Treasury securities. *LaSalle,* 45 Fed.Cl. at 109. Unlike the situation in *LaSalle,* neither party presented this evidence.

[14][15] The Court holds that the rate of return on Treasury securities is a subject for which judicial notice is appropriate. *Levan v. Capital Cities/ABC, Inc.,* 190 F.3d 1230, 1235 n. 12 (11th Cir.1999) (taking judicial notice of prime interest rate); *Havens Steel Co. v. Randolph Engineering Co.,* 813 F.2d 186, 189 (8th Cir.1987) (stating "[a] prevailing rate of interest is a proper subject of judicial notice."); ***See also,*** *Alcea Band of Tillamooks v. United States,* 87 F.Supp. 938, 954, 115 Ct.Cl. 463, 518 (1950) (taking judicial notice of low interest rates during 1930's), ***rev'd on other grounds,*** 341 U.S. 48, 71 S.Ct. 552, 95 L.Ed. 738 (1951). The Court finds that this rate of return is 5.90 percent. ***See*** "Key Interest Rates," ***The Wall Street Journal,*** August 15, 2000, at C20 (listing interest rate for 10-year Treasury notes with constant maturity.) This rate reflects a risk-free rate of return, as required by *Northern Helex III.*

Notwithstanding *Northern Helex III,* the Defendant presents a cogent argument for why the discount rate should consider the riskiness of the endeavor. Undoubtedly, the Defendant will present its argument to the Federal Circuit, a court with the authority to overrule *Northern Helex III.*

The Federal Circuit may determine that, as a matter of law, trial courts should consider the riskiness of the project in establishing the discount rate. The Defendant cites *In re Lambert,* 194 F.3d 679, 681 (5th Cir.1999); *Douglass v. Hustler Magazine, Inc.,* 769 F.2d 1128, 1143 (7th Cir.1985); and *Schonfeld v. Hilliard,* 62 F.Supp.2d 1062, 1074 n. 6 (S.D.N.Y.1999), all cases where the discount rate was affected by the risks. This Court believes that the assessment of the riskiness of the investment is a question of fact. Hence, the Court will make findings of fact related to this issue. These findings, however, are useful only if the Federal Circuit holds that the discount rate is something other than the rate on conservative investment instruments.

4. Court's Alternative Findings of Fact

If the discount rate should reflect the riskiness in the AHELP Program, then the discount rate should be 10.5 percent. This is the discount rate proposed by the Plaintiff's expert, Arcy. The Court expressly rejects the discount rate (25 percent) offered by the Defendant's expert, Hisey.

Once the Court does not have to set the discount rate equal to the return on conservative investment instruments, the discount rate is a question of fact. *Gallaspy v. Warner,* 324

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P.2d 848, 853 (Okla.1958). In determining the discount rate, the Court will examine all pertinent facts, including the riskiness of the Plaintiff's business.

Certain risks independent of the Defendant's breach existed when the Defendant breached the contract.[FN43] Investors in 1997 ***419** (before the breach) would be unlikely to invest money in the AHELP Program at a rate of return equal to the Treasury rate, which was approximately 5.5 percent. This trepidation is justified because the investors would fear that the Program would not succeed. Thus, there is a risk that the investors would lose all their money. Further, if the investors were content to earn only 5.5 percent interest, the investors would select Treasury notes because Treasury notes are "risk free." In short, a potential profit rate higher than that of conservative investments is necessary to attract investors to AHELP because AHELP has risks of failure.

FN43. In acknowledging the presence of risks, the Court might be understood as saying that profits were unlikely. This meaning is not intended.

The Court has found, in Section VII and Section VIII, above, that the Plaintiff has established its claim for lost profits with "reasonable certainty." This requirement is based on reasonableness, not absoluteness.

One example is the issue of first mortgagee consent. At the time of termination, there was a risk that zero first mortgagees would not consent. If this risk came to fruition, then the AHELP Program for Field Notice properties would fail. This risk, however, is small and does not prevent the Court from finding that it is reasonably certain that most first mortgagees would consent.

The Court finds that a discount rate of 10.5 percent is appropriate. This rate is based on Arcy's analysis of mortgage REITs.[FN44] Using mortgage REITs as a baseline is appropriate because a mortgage REIT would be interested in acquiring the AHELP Program. During the appropriate time, the average dividend yield for mortgage REITs was approximately 8.5 percent. Tr.2054. Arcy then added 2 percent to account for the debt component and profit component.

FN44. A "real estate investment trust" ("REIT") is a legal entity recognized by the Internal Revenue Code. A mortgage REIT is a REIT that chooses to own mortgage interests in real estate, as opposed to owning the real estate directly. Tr.1981.

The approach taken by Hisey, in contrast, was not persuasive. Hisey considered the AHELP Program to be a form of specialized lending. Hisey, accordingly, averaged the returns of five specialized lending companies.

Hisey's opinion was far from credible because: first, the selection of specialized lending companies, and second, the method of selecting the particular companies within the specialized lending industry. Tr. 3804 et seq.

The AHELP Program is not analogous to the specialty lending industry. Therefore, Hisey's comparison is flawed. Specialty lenders, predominantly, lend to consumers, not commercial ventures. Some consumer loans are "sub-prime," that is, the loans reflecting a higher degree of credit risk. Because the lending risk to consumers is greater than the risk in lending to commercial entities, these lending companies offer the potential for greater returns. AHELP, itself, was a commercial venture and therefore a comparison to consumers is not appropriate.

Even more problematic than the use of the field of "specialty lending" was Hisey's selection of the particular lenders within this field. Hisey picked only five companies, although the Specialty Lender Yearbook, listed industry medians. PX 147. The five companies, also, had the highest returns of any companies within their particular category of consumer specialty lenders. The combined force of using only five companies and then using only the companies with the highest return strongly suggests that Hisey was not analyzing the situation dispassionately. Instead, the Court is left with a strong impression that Hisey distorted these numbers to achieve a result. In this regard, the Plaintiff's cross-examination of Hisey was very effective.

Since Hisey's method is discredited and Arcy's method is reasonable, the Court accepts the discount rate proposed by Arcy. Thus, if the discount rate needs to consider the riskiness of the venture, the cash flows should be discounted by 10.5 percent.

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5. Conclusion on Discount Rate

The Court believes that discounting the future damages to a present value is necessary to avoid a windfall recovery to the Plaintiff. The Court does so even though the party with the burden of proving the discount rate, the Defendant, has failed to present credible evidence of the discount rate.

Several factors justify the use of a discount rate. Fundamentally, the law requires discounting of future damages. *Northern Helex III,* 634 F.2d at 564, 225 Ct.Cl. at 205. Almost as importantly, the values of fairness and equity suggest that the Plaintiff should not receive more than it deserves simply because the Defendant erred in a small respect.***420** [FN45] Finally, the parties themselves agreed that discounting was appropriate; the parties differed only with respect to the discount rate. Therefore, the present case is not comparable to those cases where the Defendant's failure to produce *any* evidence about the need to discount future damage awards waived its right to discounting. ***See, e.g.,*** *Wingad v. John Deere & Co.,* 523 N.W.2d at 278; *Alma v. Manufacturers Hanover Trust Co.,* 684 F.2d 622, 626 (9th Cir.1982).

> FN45. The Court, roughly, took this same approach when it recalculated the Plaintiff's lost profits despite the Plaintiff's erroneous estimate of its expenses.

In sum, the Court will discount at a rate of 5.9 percent.

D. Calculating Present Value

1. Procedural Posture

The Court has now reached a dilemma. The Court has found the three variables for calculating the present value: total cash flow, the date of discount, and the discount rate. Accountants, like Arcy or Hisey, (or the computer spreadsheet used by accountants) could easily take the three variables and calculate the present value to the penny. The Court, however, does not have the benefit of this precision.

As part of the post-trial briefing, the Court requested that the parties address the issue of whether the Court has the authority to find facts and then to instruct the parties to present their calculations of damages. The Plaintiff cited the following cases as examples when courts have required the parties to re-calculate damages based on different assumptions: *Gargoyles, Inc. v. United States,* 37 Fed.Cl. 95, 109-10 (1997) (after conducting a bench trial on damages, court issued findings of fact and ordered parties to calculate the amount of damages in accordance with the court's findings, and then file a stipulation of judgment in that amount within twenty days); *Kit-SanAzusa, J.V. v. United States,* 32 Fed.Cl. 647, 650 (1995)
(after evidentiary record on damages was closed, Court of Federal Claims issued preliminary findings and directed parties to "attempt to agree on a calculation of the precise amount of the judgment necessary to effectuate the opinion"; when parties were unable to reach such an agreement, the remaining issues were briefed and argued and court adopted plaintiff's post-trial calculation of damages), *aff'd in part and modified in part on other grounds,* 86 F.3d 1175 (Fed.Cir.1996) (table); and *United California Bank v. Eastern Mountain Sports, Inc.,* 546 F.Supp. 945, 973 (D.Mass.1982) (parties ordered to confer to determine if they could reach agreement on the amount of the judgment to be entered in conformity with the court's findings and rulings; if no agreement could be reached, each side required to submit to the court its proposed calculation of the judgment to be entered).

The Defendant did not assert a position as to whether this Court has the authority to return the case to the parties for additional damages calculations. (Although given an opportunity, the Defendant did not directly address the cases cited by the Plaintiff and listed above.) Rather, the United States contends that it would be prejudiced by having to recalculate the damages. The United States sees that it could have to incur the additional cost of retaining an expert (presumably, Hisey) to recalculate the damages, of deposing the Plaintiff's expert (presumably, Arcy) on his recalculation of damages, and of presenting this information to the Court.

Also as part of the post-trial briefing, the Court requested that the parties address the issue of a court's ability, in a bench trial, to estimate damages when the Court rejects the assumptions used by the parties. The Defendant argued that the Plaintiff has failed to present any evidence for the Court to calculate lost damages based on a partial acceptance of its evidence. (For example, the Defendant contends that the Plaintiff should have presented evidence of lost profit on a "per loan" basis.) Since the Plaintiff presented an "all or nothing" case and the Plaintiff is not entitled to "all," according to the Defendant, the Plaintiff is entitled to "nothing."

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The Court rejects the Defendant's argument as far too harsh. The law has advanced***421** beyond a stage where a single small slip would cause the Plaintiff's case to fail entirely. For example, in *White Mountain Apache Tribe of Arizona v. United States,* 11 Cl.Ct. 614, 663-67 (1987), the court analyzed the reports of experts from both sides. "Neither side was able to persuade the court to adopt its measure of damages in its entirety, because both presentations suffered to some extent from shortcomings in their underlying assumptions." *Id.* at 663. Utilizing "the jury method," the court overcame these shortcomings and awarded $3,627,000 in damages. *Id.* at 666-67. *White Mountain Apache* demonstrates that this Court has the authority to evaluate damages and to calculate damages differently than either party.

Accordingly, the Court will undertake the task of discounting the future lost profits to a present value. With the aid of a standard computer spreadsheet, the Court can do so even without an accountant. In doing so, the Court does not address the issue as to whether the Court has the authority to instruct the parties to calculate damages in accordance with certain factual findings.

2. Calculations

[16] The Court notes that through Arcy, the Defendant introduced the formula for discounting to present value. *See* Tr. 2100-01. Moreover, the Court can take judicial notice of the formula for calculating the present value.[FN46] *In re Eagle-Picher Industries, Inc.,* 189 B.R. 681, 692 (Bankr.S.D.Ohio 1995) (setting out formula); *Osborne v. Bessonette,* 265 Or. 224, 508 P.2d 185, 187 (1973).

> FN46. Although the Defendant argued, in closing argument, that the Plaintiff had the burden of proving the discount rate, the Court holds that the burden is actually on the Defendant. *See* Section IX.C.2, above. While the Court has tried to be as accurate as possible, the fact that the Court is discounting at all is to the Defendant's benefit.

The Court's method for calculating the present value is set forth in detail in Appendix A, which is attached to and incorporated into the opinion. By using a "reasonable computation from actual figures," the Court has avoided resorting to a "jury verdict method." *See Dawco Const., Inc. v. United States,* 930 F.2d 872, 880 (Fed.Cir.1991) (stating the jury verdict method is not favored), *overruled in part on other grounds, Reflectone, Inc. v. Dalton,* 60 F.3d 1572, 1578 (Fed.Cir.1995).

The Court finds that the approximate present value of $12.11 million at a discount rate of 5.9 percent is $8.787 million. When the discount rate is 10.5 percent, the approximate present value is $7.132 million.

X. Mitigation of Damages

A. Introduction

A final issue to be addressed in the context of lost profits is mitigation of damages. The Defendant contends that the Plaintiff could have mitigated its damages by pursuing other programs like the AHELP Program with states, notably New York, that subsidize housing. The Court finds that the mitigation of damages was not possible and rejects the Defendant's argument.

B. Law

[17] "It is clear that a nonbreaching party has a duty to attempt to mitigate its damages following another party's breach of contract .... As such, the nonbreaching party may not recover those damages which could have been avoided by reasonable precautionary action on its part." *Quiman, S.A. v. United States,* 39 Fed.Cl. 171, 185-86 (1997) (internal quotation marks and citations omitted).

[18] "It is well established that the party relying on the doctrine of mitigation of damages bears the burden of proving that the nonbreaching party failed to take reasonable precautions to limit the extent of the damage. *Toyota Indus. Trucks U.S.A., Inc. v. Citizens Nat'l Bank,* 611 F.2d 465 (3d Cir.1979); *T.C. Bateson Constr. Co. v. United States,* 162 Ct.Cl. 145, 188, 319 F.2d 135, 160 (1963)." *Midwest Indus. Painting of Florida, Inc. v. United States,* 4 Cl.Ct. 124, 134 (1983). *See also*Restatement (Second) of Contracts § 350, cmt. c (placing burden on breaching party to show substitute transaction was possible).

***422 C. Background Facts Related to Mitigation**

[19] While Energy Capital was developing the AHELP Program, even before the AHELP Agreement was signed, Energy Capital was planning to involve state housing agencies. Recapitalization Advisors identified 10 states

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(Connecticut, Massachusetts, Pennsylvania, Wisconsin, Illinois, Michigan, Rhode Island, Maryland, New York and Virginia) as being possible participants in the AHELP Program.

New York was a potentially promising market for a program like AHELP. Unlike the other states mentioned above, New York created some housing agencies before HUD was established. The apartments regulated by New York operate free of HUD regulation. David Smith estimated that there are 102,000 such units, in 248 properties. Many New York apartments suffer from energy inefficiencies that would make them candidates for an energy-improvement loan.

After the AHELP Agreement was signed, Energy Capital began exploring whether the State of New York would be receptive to a program to finance energy-efficiency improvements in housing that was assisted by New York. Energy Capital called this program NYHELP. Neither party presented any evidence as to how far Energy Capital progressed in convincing New York to be its partner in NYHELP.

HUD terminated the AHELP Agreement in February 1997, following the adverse publicity in *The Wall St. Journal*. Energy Capital abruptly stopped its efforts to establish NYHELP shortly after HUD terminated the agreement. Fred Seigel, the president of Energy Capital, believed that further work with New York would be pointless for two reasons. First, *The Wall St. Journal* article and HUD's reaction to the article, which could be viewed as confirming the article, tainted Energy Capital's reputation. Second, Andrew Cuomo, the Secretary of HUD, is the son of Mario Cuomo, the former governor of New York. Many New York government officials, according to Energy Capital, would be reluctant to conduct business with a company that had caused difficulty for the son of their former boss. Accordingly, since Energy Capital believed that New York officials would be unlikely to agree to NYHELP, Energy Capital ceased its efforts to start a program for New York properties exclusively.

D. Arguments and Analysis

The Defendant argues that the NYHELP Program could have replaced the AHELP Program and allowed Energy Capital to mitigate its damages. The proof offered on this point is woefully deficient.

First, and most importantly, the Defendant did not contradict Energy Capital's explanation of why it did not pursue the NYHELP Program. Energy Capital's decision to stop its efforts was reasonable. The Court agrees that New York officials would not agree to the NYHELP Program. The Defendant did not present any evidence, such as a witness from a New York housing agency, that New York was interested in NYHELP after HUD terminated the Agreement. This omission, by itself, is enough to justify the Court's finding that mitigation was not possible.

Second, the amount of money Energy Capital could have earned in the NYHELP Program was never established. In his expert report, David Smith opined that Energy Capital could generate about $57 million in loan revenue. This opinion is based on the same assumptions used for his estimates of loan revenue for the Program in general.[FN47] The Defendant challenged many of these assumptions and the Court, to some extent, changed the assumptions. When the Court's own findings are substituted, the NYHELP Program would generate only $21.5 million in loan revenue.[FN48]

FN47. These assumptions were that 24 percent of the properties were energy viable, an owner participation rate of 53 percent, and an average loan size of $4,400.

FN48. The Court finds, elsewhere in this opinion, that 16 percent of the properties were energy viable, an owner participation rate of 46 percent, and an average loan size of $2,800.

The Defendant also submitted deposition testimony from Smith in which he predicts that Energy Capital could have generated $175 million in loans. This assumption is ***423** based on an average loan size of $5,000 and 35,000 properties participating. For 35,000 properties out of 102,000 properties participate, the *total* for energy viability and owner participation would need to be about 66 percent. This figure is significantly higher than all other estimates (about 3 times the estimate in Smith's report and about 4.5 times the estimate in the Court's findings) and no justification for such high participation is presented. Accordingly, the Court rejects Smith's deposition testimony, which is not in his expert report, that the loan volume would have amounted to $175,000,000.

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Even if the loan volume were established, the Defendant did not take the next step to establish Energy Capital's earnings. As the Court's opinion indicates in Section VIII, above, loan volume is not the same as earnings. The Defendant's suggestion that Energy Capital could have generated $175 million (or $57 million or $21.5 million) completely overlooks expenses. To justify its own claim for lost profits, Energy Capital used Arcy to develop a cash flow model that accounts for income and expenses. The United States offered nothing like that.[FN49]

Accordingly, the Court cannot calculate how much Energy Capital would have gained from the NYHELP Program.

FN49. Although the Court could be asked to assume that Energy Capital's expenses for NYHELP would equal its expenses for AHELP, this assumption is not warranted. NYHELP was not an existing agreement. Energy Capital would have to incur expenses to create NYHELP. The Court has no basis to estimate these start-up costs.

In sum, the Court finds that Energy Capital could not have mitigated its damages by pursing the NYHELP Program. Energy Capital's damages, therefore, do not have to be reduced by the amount of mitigation.

XI. Recovery of Lost Profits beyond $200 million limit

A. Introduction

[20] In addition to seeking damages based on the assumption that Energy Capital would sell all loans available under AHELP, Energy Capital presented a theory that the AHELP Program would be so successful that HUD would agree to another contract. This theory provides a method for the Plaintiff to recover lost profits on loans that would have been generated after the $200 million limit was exceeded.

The Plaintiff presented some evidence to support its contention that it and HUD would enter into another AHELP-type agreement after AHELP itself expired. As described in some detail in the earlier sections of this opinion, Energy Capital believed that the market for energy-efficiency loans within the government-assisted multifamily housing universe was almost unlimited. Indeed, Retsinas himself testified that the $200 million was merely the tip of the iceberg. Parties from both sides testified that each anticipated that, if the Program were successful, then the Program might be extended.

During trial, the Court, however, found that the Plaintiff's evidence was insufficient to authorize an award on this theory. Accordingly, the Court declined to award any damages that would expand the scope of the AHELP Agreement beyond the $200 million limit. The next sections explain the Court's decision.

B. Procedural Setting

At the close of the Plaintiff's case in chief, the Defendant made an oral motion under R.C.F.C. 52(c). The United States contended that the Plaintiff had failed to establish that it could recover lost profits beyond the $200 million limit in AHELP.

Before addressing the Defendant's Rule 52(c) motion, the Court resolved a preliminary procedural point in favor of the United States. The Plaintiff contended that the Rule 52(c) motion was not proper. During the Plaintiff's casein-chief, the Defendant moved for the admission of one document into evidence during cross-examination of a witness called by the Plaintiff. The Court, without objection, admitted the document and the Defendant was permitted to elicit substantive testimony from the witness. In a motion to strike the Rule 52(c) motion, the Plaintiff contended that once the Defendant has introduced evidence, the Defendant cannot***424** seek a Judgment on Partial Findings under Rule 52(c).

The Court denied the Plaintiff's Motion to Strike. The Defendant may file a Rule 52(c) motion any time after the Plaintiff has rested even if the Defendant has introduced evidence.

The text of Rule 52(c) states, in part: "If during a trial a party has been fully heard with respect to an issue and the court finds against the party on that issue, the court may enter judgment as a matter of law against that party on any claim." R.C.F.C. 52(c). The only restriction in Rule 52(c) is that the opposing party must be "fully heard." In this case, the Plaintiff completed it case in chief. Therefore, the Defendant's motion was procedurally correct.

A comparison to the Federal Rules of Civil Procedure supports the Court's interpretation of R.C.F.C. 52(c). With respect to only the issue of the timing of the motion,

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R.C.F.C. 52(c) is analogous to Fed. R. Civ. Proc. 50(a)(1), which permits judgment as a matter of law in jury trials.[FN50] Fed. R. Civ. Proc. 50(a)(1) states, in part: "If during a trial by jury *a party has been fully heard on an issue* and there is no legally sufficient evidentiary basis for a reasonable jury to find for that party on that issue, the court may determine that issue against that party." Fed. R. Civ. Proc. 50(a)(1) (emphasis added). The italicized language is almost verbatim the language in the Rule of the Court of Federal Claims.

FN50. Because there are no jury trials at the Court of Federal Claims, the Rules of Procedure for the Court of Federal Claims omit this rule.

Under Fed. R. Civ. Proc. 50(a)(1), a party may file this motion after the close of all evidence. *See Moore's Federal Practice* (3d Ed.) § 50.20 [2][e]. Since a party may file a motion under Fed. R. Civ. Proc. 50 after it has presented all its evidence, it is logical to permit that same party to file the motion after it has presented only some of its evidence. The decisive consideration is whether the non-moving party has been fully heard. When the nonmoving party has been fully heard, as in this case, a motion under R.C.F.C. 52(c) is appropriate.

C. Standard for Rule 52(c)

Cooper v. United States, 37 Fed.Cl. 28 (1996), sets forth the standard for ruling on a motion for judgment partial findings pursuant to R.C.F.C. 52(c):

In the Court of Federal Claims, the judge serves as both the trier of fact and the trier of law. Accordingly, R.C.F.C. 52(c) envisions a different role for the judge than does Fed.R.Civ.P. 50(a). *See Persyn v. United States,* 34 Fed.Cl. 187, 194-95 (1995). A judge ruling on a Rule 52(c) motion does not evaluate merely whether the plaintiff has put forth a prima facie case. Instead, R.C.F.C. 52(c) permits the judge to weigh the evidence and does not require that the judge resolve all credibility determinations in favor of the plaintiff. *Howard Indus., Inc. v. United States,* 126 Ct.Cl. 283, 289-90, 115 F.Supp. 481, 484-85 (1953); *Cities Serv. Pipe Line Co. v. United States,* 4 Cl.Ct. 207, 208 (1983) (discussing former RUSCC 41(b)), *aff'd,* 742 F.2d 626 (Fed.Cir.1984). As the United States Court of Claims explained:

The so-called *prima facie* case rule governing the action of judges in jury trials rests upon the established division of functions, in such proceedings, between jury and judge, whereby the jury tries the facts and the judge determines the law ....

But in an action tried without a jury the judge is the trier of both the facts and the law. This fundamental distinction between jury and non-jury trials should not be ignored .... When a court sitting without a jury has heard all of the plaintiff's evidence, it is appropriate that the court shall then determine whether or not the plaintiff has convincingly shown a right to relief. It is not reasonable to require a judge, on motion to dismiss under Rule 41(b) [precursor to RCFC 52(c)], to determine merely whether there is a prima facie case... sufficient for the consideration of a trier of the facts when he is himself the trier ***425** of the facts. * * * A plaintiff who has had full opportunity to put on his own case and has failed to convince the judge, as trier of the facts, of a right to relief, has no legal right under the due process clause of the Constitution, to hear the defendant's case, or to compel the court to hear it, merely because the plaintiff's case is a prima facie one in the jury trial sense of the term.

Howard Indus., 126 Ct.Cl. at 289-90, 115 F.Supp. at 48586 (quoting *United States v. United States Gypsum Co.,* 67 F.Supp. 397, 417-18 (D.D.C.1946), *rev'd on other grounds,* 333 U.S. 364, 68 S.Ct. 525, 92 L.Ed. 746 (1948)).

Cooper v. United States, 37 Fed.Cl. 28, 35 (1996).

D. Findings and Analysis

The parties agreed to one contract, the AHELP Agreement. This contract states that the Agreement is limited to either 3 years or $200 million in loans, whichever occurs first.

HUD officials, in particular Retsinas, did not agree to expand the AHELP Program past the $200 million limit. It is undisputed that Retsinas was the only person within HUD with the authority to enter into the AHELP Agreement. Retsinas testified that he could see that if the AHELP Program were successful in the initial $200 million, then HUD would be interested in continuing to contract with Energy Capital because the portfolio of properties that needed energy assistance exceeded $200 million. Tr. 1827, 1838.

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The Plaintiff's arguments that it is entitled to lost profits beyond $200 million limit are not sustainable. The Plaintiff argues that the test is whether the parties could reasonably foresee the damages when the contract was made. The Plaintiff argues that its evidence shows that Energy Capital expected to enter into a series of AHELPlike contracts. Thus, to the Plaintiff lost profits from these future contracts are reasonably foreseeable from the breach of the AHELP Agreement.

This argument eviscerates the terms of the AHELP Program. The express terms restrict the contract to $200 million. If the parties were bound only by their expectations, then the cap would be unnecessary and worthless. The Court should avoid construction of a contract that renders any term meaningless. *T. Brown Constructors, Inc. v. Pena,* 132 F.3d 724, 730-31 (Fed.Cir.1997).

The Plaintiff's unilateral expectations, when it entered into the AHELP Agreement, about the possibility that it would have another contract with HUD differ from its expectations for the AHELP Agreement itself. One difference is that there was a contract. The AHELP Agreement is a foundation for the Plaintiff's hopes for the events under the AHELP Agreement, which are not those events after the AHELP Program is completed. In contrast, nothing anchors the Plaintiff's expectations for events after the AHELP Program is completed.[FN51] The parties could not "foresee" (as that term is used in a legal sense) that the breach of the AHELP Agreement would result in the loss of profits on a subsequent contract.

FN51. Whether the Plaintiff's expectation is based on a contract distinguishes this case from *Smokey Bear, Inc. v. United States,* 31 Fed.Cl. 805 (1994), a case on which the Plaintiff relies. In *Smokey Bear,* the licensing agreement, which the Defendant allegedly breached, "was renewable after the initial three-year term." *Id.* at 806. In denying a motion to dismiss, the Court permitted the Plaintiff to introduce evidence of its lost profits. *Id.* at 808.

A licensing agreement that contains a renewable provision differs from a contract with a set termination. The Plaintiff in *Smokey Bear* could state a claim that the breach of the licensing agreement prevented it from renewing the agreement. Here, Energy Capital cannot expect that it would have another contract.

Besides foreseeability, the Plaintiff failed to established causation. Many other steps could have interfered with the formation of an agreement subsequent to AHELP. For example, HUD intended to evaluate the success of the AHELP Program. HUD may have decided, for whatever reason, that the Program was not worth continuing. The Court says this, even after finding that AHELP would have "succeeded," in that, property owners would have sought energy improvement loans, first mortgagees would ***426** have consented to the loans being placed on their properties, and Energy Capital would have earned a profit. Even if the AHELP Program would have accomplished all these goals, HUD retained the right to examine whether it would want to continue the Program. HUD, not this Court, determines whether it will enter into a contract. *See Parcel 49C Limited Partnership v. United States,* 31 F.3d 1147, 1153-54 (Fed.Cir.1994). Based on the record before the Court, this Court cannot say that HUD would have agreed to another AHELP-like contract absent the breach.

In sum, the Court finds that the Plaintiff failed to present evidence, during its case in chief, to support an award of lost profits for contracts beyond the $200 million cap for several reasons. Principally, the AHELP Agreement is limited to $200 million. Secondarily, the Plaintiff has not established foreseeability and causation.[FN52]

FN52. The reasons given in the opinion suffice to deny the Plaintiff's claim for lost profits. The Court has not commented on the Plaintiff's evidence for "reasonably certainty." This silence is not intended as a statement, in favor of either party, as to the sufficiency of this evidence.

XII. Reliance Damages

As an alternative to its claim for expectancy damages, measured by lost profits, the Plaintiff also claims reliance damages.[FN53] The Defendant contends that reliance damages are the correct approach to measuring the Plaintiff's damages, but questions some components of the Plaintiff's list of costs.

FN53. The Plaintiff did not seek "restitution" damages. Restitution would not be an appropriate measure of damages because the Plaintiff had not

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yet conferred any measurable benefit to the United States at the time of termination.

A. Law for Reliance Damages

California Federal Bank v. United States, 43 Fed.Cl. 445 (1999), states the basic principles of reliance damages:

Reliance damages seek to place the plaintiff "in as good a position as he would have been in had the contract not been made." Restatement (Second) of Contracts § 344(b) (1981). Reliance damages include expenditures made "in preparing to perform, in performing, or in foregoing opportunities to make other contracts." Restatement (Second) of Contracts § 344 cmt. a (1981). This relief is awarded on "the assumption that the value of the contract would at least have covered the outlay." Charles T. McCormick, Handbook on the Law of Damages § 142, at 586 (1935). Normally, the plaintiff seeks reliance damages when unable to prove expectancy with reasonable certainty because "failure to prove profits will not prevent the party from recovering his losses for actual outlay and expenditure." [*United States v.*] *Behan,* 110 U.S. [338,] 345, 4 S.Ct. 81, [28 L.Ed. 168 (1884)].

California Federal Bank v. United States, 43 Fed.Cl. 445, 450 (1999); *see also* John D. Calamari & Joseph H. Perillo, *The Law of Contracts* § 14.9. (4th ed.)

Within this sphere of "reliance damages," the Plaintiff argues that it is entitled to recover expenses incurred before the contract was signed, but incurred in preparation for its performance under the contract. For this proposition, the Plaintiff cites *Dolmatch Group, Ltd. v. United States,* 40 Fed.Cl. 431, 439 (1998) (stating "a plaintiff can recover reliance damages as an alternative; this includes expenditures in preparation and part performance.").

The Court believes that the Plaintiff's argument goes too far. The Plaintiff in *Dolmatch Group* sought "to recover expenses incurred while *operating* under the alleged agreement." *Id.* (emphasis added.) Thus, when the passage on which the Plaintiff relies is placed in context, it is clear that *Dolmatch Group* does not say that reliance damages can be awarded for those expenditures made *before* the contract was signed.

[21] The general rule appears to be that reliance damages are limited to those expenses incurred after an agreement has been reached. ***See, e.g.,*** *Autotrol Corp. v. Continental Water Systems Corp.,* 918 F.2d 689, 695 (7th Cir.1990); *Moore v. Lewis,* 51 Ill.App.3d 388, 9 Ill.Dec. 337, 366 N.E.2d 594, 599 (1977); ***see also*** J.E. Macy, Annotation, ***427** ***Right to Recover in*** *Action for Breach of Contract, Expenditures Incurred in Preparation for Performance,* 17 A.L.R.2d 1300, Section 7, 1951 WL 7345 (1951).

Moreover, this restriction is especially important in cases against the United States. In the Tucker Act, the United States waived its sovereign immunity for breach of express or implied contracts. 28 U.S.C. § 1491. If this Court were to accept the Plaintiff's argument that it can recover, as reliance damages, those expenses incurred before the contract were signed, the Court would blur the distinction between contracts (whether express or implied) and statements that lead to contracts. The Court of Federal Claims lacks authority to award damages for contracts implied at law. *Hercules v. United States,* 516 U.S. 417, 424, 116 S.Ct. 981, 985-86, 134 L.Ed.2d 47 (1996); *Trauma Serv. Group v. United States,* 104 F.3d 1321, 1324-25 (Fed.Cir.1997). This Court cannot transform any statements made during negotiations into a contractual duty that warrants an award of reliance damages.

Thus, the Court will examine the evidence in support of reliance damages and will exclude any expenses incurred before the contract was signed.

B. Evidence for Reliance Damages

The Plaintiff claims about $1.3 million in expenses. Energy Capital presented evidence of invoices, canceled checks, and/or ledger entries to support its claim that these expenses were incurred in reliance on the AHELP Agreement. This figure includes costs incurred before the AHELP Agreement was signed.

Besides those pre-agreement costs, the Defendant challenged very few items. Before trial began, Energy Capital provided copies of its documentary support to the United States. The United States, in turn, made this information accessible to its accounting expert, David Hisey, and his team. Hisey admits that $754,831.57 was documented as expenses incurred after the contract was signed.

In addition, the Court finds that Energy Capital established other expenses were related to the AHELP Program and

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were adequately documented. These expenses amount to $121,735.52 for a total amount of $876,567.09. For several expenses, updated information was provided to the United States, but Hisey did not receive the updated information. Hisey was forced to admit, when confronted during cross-examination, that his analysis failed to account for this information. Because the United States challenged these expenses only on the ground that the documentation was insufficient and Energy Capital effectively demonstrated that the documentation was sufficient, the Court will include these expenses in the award for reliance damages. As stated previously, the expenses where the extent of documentation was disputed came to $121,735.52.[FN54]

FN54. The Court deducted $3,500 for one expense that was paid to a law firm in connection with Energy Capital's efforts to create a program like AHELP for New York State. Other than this item, the Defendant did not persuasively contest Energy Capital's evidence that the expenses were incurred while performing the AHELP Agreement.

Accordingly, as an alternative to the lost profit award, the Court finds that Energy Capital's reliance damages total $876,567.09.[FN55]

FN55. Finally, the Court has also considered whether Energy Capital has documented its costs incurred before the contract was signed. The Court makes this finding in case its holding about the Plaintiff's entitlement to pre-agreement damages is challenged on appeal.

A total of $424,441.82 in pre-agreement expenses were adequately documented. To develop the AHELP Program and to convince HUD to agree to it, Energy Capital retained several independent consultants including Recapitalization Advisors, Housing Partners, Summit Advisors, Energy Investments, and its lawyers. These expenses were adequately documented. Yet, because a portion of the bills from these entities were incurred before the AHELP Agreement was signed, the Court cannot award damages.

XIII. Conclusion

The Court acknowledges that few cases have awarded lost profits against the United States. Yet, the factual circumstances of this case support such an award. Here, there ***428** was a contract of limited duration (3 years), limited amount ($200 million) and for a specific purpose (to finance energy-efficiency improvements in HUDassisted housing). Further, the market for the service available under the contract, represented by the owners and first mortgagees, was easily identifiable and willing to pay for this service. These facts provide the evidentiary basis for finding that the Defendant's breach caused the loss of profits, that the loss of profits was foreseeable, and that the amount of lost profits was reasonably certain.

Pursuant to R.C.F.C. 54(b), inasmuch as there appears to be no just reason for delay, the Clerk's Office is directed to enter judgment in favor of the Plaintiff in the amount of $8,787,000 on Count 1, the breach-of-contract count.[FN56]

FN56. Earlier in this litigation, the Court stayed resolution of Count 2, a count alleging deprivation of constitutional rights. The Court orders the Plaintiff to file a status report within 2 weeks of this order proposing whether it is necessary to proceed with this count. If the Plaintiff wishes to proceed, the Plaintiff should specify what form of relief would be available that has not been awarded in this opinion.

The Plaintiff can submit any request for costs after the conclusion of the entire case, that is, after resolution of Count 2.

Appendix A: Calculation of Present Value

To calculate the present value using the figures for discount date, discount rate, and sum to be discounted, the Court used different numbers and a slightly different method than the experts.[FN57] To explain how this calculation was done, the Court will first explain Arcy's method.

FN57. Arcy and Hisey used the same method. For simplicity, the Court uses Arcy as an example, although a similar analysis could be done with Hisey.

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Arcy had several steps. First, Arcy found the profit (or loss) for each month.[FN58] Second, the profit for the 12 months in a year was then summed. The figure for a particular year was presented in a chart in Arcy's expert report, which was admitted into evidence. (The figure for each month was not presented in any form to the Court.) The profit for each year varied. For 9 of the 12 profitable years, the undiscounted profit ranged from just above $2.0 million to just below $2.3 million. The number of loans being repaid mostly caused the fluctuation in profit.

FN58. The opinion, in Section VIII.C.3., explains why Arcy's estimate of expenses is too low. Thus, his profits are too high.

Third, each year's figure was discounted, at a rate of 10.5 percent, to October 1, 1999, a date that Arcy estimated would be the "date of judgment." The final step was that the undiscounted and discounted yearly figures were totaled. Arcy calculated the undiscounted amount as $24.628 million and the discounted amount as $13.692 million.

The Court, admittedly, cannot replicate every step in Arcy's process exactly. Prominently, the Court cannot calculate the profit for each year individually. However, the Court can divide the total profit, which the Court found to be $12.111 million into equal annual amounts. This step is justified because the per-year amounts in Arcy's model were approximately equal.

The Court tested to see whether this approach was fairly accurate. Using a computer spreadsheet program, the Court calculated the present value of $24.628 million with equal annual payments. The purpose of this step was to compare the Court's method (equal annual payments) with Arcy's method (variable annual payments). The Court kept the other numbers in Arcy's calculation constant: 10.5 percent discount rate, and a discount date of October 1, 1999.[FN59] The Court's method produced a result of $14.29 million. This figure closely approximates Arcy's estimate. Therefore, the Court's method functions as a reliable substitute.

FN59. The Court also assumed the last loans would be repaid on June 30, 2011. Arcy did not explain when, in 2011, the income stream would stop. The Court selected June 30, 2011 as the midpoint of the year.

Having identified a method, the calculation of present value was relatively simple. The Court assumed that the future income payments would total $12.111 million through June 30, 2011. The Court also assumed that ***429** the discount rate was 5.9 percent and that the date of discount was August 21, 2000. This results in a figure of $9.127 million.

Finally, for sake of completeness, the Court also calculated the present value when the discount rate was 10.5 percent. As explained in the opinion, this discount rate is based on an alternative finding. The present value under these circumstances is $7.444 million.

The following chart presents this information.

Calculation of Present Value

Line	Annual Amounts	Discount Rate	Date of Discount	Sum for Discounting (millions)	Present Value (millions)
1	variable	10.5	Oct. 1, 1999	24.628	13.692
2	equal	10.5	Oct. 1, 1999	24.628	14.29
3	equal	5.9	Aug. 21, 2000	12.111	9.171
4	equal	10.5	Aug. 21, 2000	12.111	7.444

Comparing lines 1 and 2 shows that although the Court's method is more than 95 percent accurate, the Court's method serves to inflate the present value by about 4 percent. The figures in lines 3 and 4, therefore, should be reduced by a corresponding amount. When $9.127 million is reduced, the result is $8.787 million and when $7.444 million is reduced, the result is $7.132 million.

Adjusting Present Value

True Method	13.692

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Court's Method 14.290 Ratio (true over court)
0.958 Line 3 from previous 9.171
chart
After Ratio is applied 8.787 Line 4 from previous 7.444
chart
After Ratio is applied 7.132

Fed.Cl.,2000.
Energy Capital Corp. v. U.S. 47
Fed.Cl. 382

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No. 01-5018
United States Court of Appeals, Federal Circuit

Energy Capital Corp. v. U.S.

302 F.3d 1314 (Fed. Cir. 2002)
Decided Aug 14, 2002

No. 01-5018.

Decided: August 14, 2002.

1315Appeal from the Court of Federal Claims, Edward J. Damich, Chief District Judge. *1315

Michael S. Gardener, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., of Boston, MA, argued for plaintiff-appellee. With him on the brief was Laurence A. Schoen.

Mark L. Josephs, Trial Attorney, Commercial Litigation Branch, Civil Division, Department of Justice, of Washington, DC, argued for defendant-appellant. With him on the brief were Stuart E. Schiffer, Acting Assistant Attorney General; and David M. Cohen, Director. Of counsel on the brief were Jeffrey A. Belkin and Allison A. Page, Trial Attorneys. Also of counsel on the brief were Carole W. Wilson, Associate General Counsel; and William Lane, Trial Attorney, Office of General Counsel, Department of Housing and Urban Development, of Washington, DC.

Before CLEVENGER, SCHALL, and LINN, Circuit Judges.

1316*1316

SCHALL, Circuit Judge.

The United States appeals from the final decision of the United States Court of Federal Claims that awarded Energy Capital Corp. ("Energy Capital") $10,082,000 in lost profits in its suit against the United States for breach of contract. *Energy Capital Corp. v. United States,* 47 Fed. Cl. 382 (2000), *amended by Energy Capital Corp. v. United States,* No. 97-23C (Fed.Cl. Dec. 19, 2000). After holding that Energy Capital had established its entitlement to lost profits, the court computed Energy Capital's damages award by discounting its anticipated lost profits to present value as of the date of judgment using a risk-free discount rate. We see no error in the court's award of lost profits damages and its reduction of the award to present value as of the date of judgment. We conclude, however, that under the circumstances of this case, use of a risk-adjusted discount rate was required in arriving at the present value of the damages award. Accordingly, we affirm-in-part, reverse-in-part, and remand.

BACKGROUND

The Court of Federal Claims made detailed findings of fact in a thorough and well-reasoned opinion. We recite here those facts necessary for an understanding of the case.

A. The Lack Of Financing For Improvements To Reduce The Cost Of Heating HUD Properties

The Department of Housing and Urban Development ("HUD") subsidizes and regulates a significant portion of the multifamily housing industry in the United States. *Energy Capital Corp. v. United States,* 47 Fed. Cl. at 386. The Federal Housing Administration ("FHA"), which is part of HUD, provides financial assistance to various types of housing programs. *Id.*

1317A continuing problem for HUD has been the fact that the multifamily housing in its *1317 portfolio consumes an inefficient amount of energy. The reason for that is that many HUD properties[1] were constructed during the late 1960s and early 1970s when neither the government nor the builder was concerned with long-term energy costs. HUD housing frequently was built under stringent cost restraints. Consequently, the housing commonly was heated with electric baseboard resistance heating — a type of heating that is inexpensive to install, but very expensive to operate. *Id.*

[1] For purposes of this opinion, the terms "HUD properties" and "HUD housing" refer to multifamily housing properties that are subsidized, in whole or in part, by HUD through the FHA and that are subject to some form of regulation by HUD.

Most of the HUD properties at issue in this case are referred to as "Field Notice" properties. Typically, a Field Notice property was financed by the Federal National Mortgage Association ("Fannie Mae") or one or more private lenders, with repayment of the resulting indebtedness being secured by a first mortgage on the property and the mortgage being insured by FHA. The mortgage and accompanying FHA regulations restricted the owner's ability to encumber the property beyond the first mortgage. Because owners could not place additional mortgages on their properties, they had difficulty raising capital to make physical improvements to their properties, including improvements to reduce heating costs. *Id.* Consequently, very little HUD housing received any financing to reduce energy costs during the 1980s and 1990s. *Id.*

B. Energy Capital And The AHELP Agreement

Energy Capital was formed in the middle of 1994. Thereafter, it provided financing to allow various institutions to optimize their energy consumption. For example, Energy Capital provided financing for improvements to college dormitories and to commercial office buildings. In that capacity, it originated approximately $250 million in loans.[1] *Id.*

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[1] A lender who makes a loan to a borrower and then resells the loan obligation to a third party is said to have "originated" the loan to the borrower.

Eventually, Energy Capital came to recognize that there was a significant need for energy improvements in HUD properties and that the primary obstacles to financing loans for such improvements were the regulatory restrictions noted above. Energy Capital believed that if it could solve the regulatory problem, it would be able to originate a significant number of loans that would provide financing for improvements to reduce energy costs in HUD properties. *Id.*

Over a period of approximately 15 months, Energy Capital negotiated an agreement with HUD to eliminate the regulatory barriers to financing energy improvements in HUD properties. The agreement became known as the

Capital, as a lender, security for its loans. Specifically, the AHELP agreement allowed Energy Capital to include in its energy efficiency loans to Field Notice properties what was referred to as a "springing 1318subordinated lien" and a "cross-default *1318 provision." *Id.* Pursuant to these provisions, if a property owner defaulted on an energy efficiency loan originated under the AHELP agreement, then the first mortgage on the property, which was the FHA-insured mortgage, would also go into default. At the same time, Energy Capital's energy efficiency loan would "spring" into the senior mortgage position, ahead of the loan secured by the FHAinsured mortgage. *Id.* at 388. Of course, before Energy Capital could make such a loan, it would have to obtain the consent of the holder of the first mortgage on the property (the "first mortgagee") to the springing subordinated lien and cross-default provisions. *Id.* at 389.

Energy Capital agreed to structure loan payments so that, in the case of each loan, the anticipated savings in utility costs due to the energy improvements being financed would cover 110% of the annual loan payment. Thus, it was contemplated that the energy loan would pay for itself and would give the property owner additional savings in the form of reduced energy costs. The AHELP agreement also set the interest rate at which Energy Capital would lend money: the Treasury rate plus 3.87 percent. Energy Capital agreed in principle to obtain capital from Fannie Mae at the Treasury rate for the loans that Energy Capital would be originating. As the AHELP loans were repaid, Fannie Mae would be repaid at the Treasury rate plus 1.87 percent. Energy Capital would keep the remaining 2 percent over Treasury rate as its profit on the loan. In a separate agreement, Fannie Mae promised Energy Capital that it would fund up to $200 million in AHELP loans and would purchase the loans back from Energy Capital. *Id.*

The process for originating an AHELP loan was to begin when Energy Capital received an application, called a "Property Eligibility Checklist" ("PEC"), from a property owner. The PEC would contain certain information about the physical structure and energy systems of the property. Based upon this preliminary data, Energy Capital would determine whether an AHELP loan was viable. "Viable" meant that the proposed improvement would generate enough savings to pay for itself within the loan repayment period. *Id.* at 389-90. If the property appeared viable, an energy service company ("ESCO") would conduct an energy audit to confirm the usefulness of the contemplated energy efficiency measure from an engineering perspective. *Id.* at 390. Energy Capital would also evaluate the financial stability of the property, and it was expected that it would submit some of the loans to HUD for a limited review. The HUD review was limited to 10 days by the AHELP agreement. After loan closing, Energy Capital would oversee construction and would continue to service the loan by administering the loan proceeds and receiving payments on the loan. *Id.*

C. Execution And Then Termination Of The AHELP Agreement

FHA and Energy Capital executed the AHELP agreement in September of 1996. Its maximum duration was 3 years. Shortly thereafter, HUD issued a notice to the HUD field staff for multifamily housing and to owners and managing agents of HUD properties. In the notice, HUD reviewed the need for energy efficiency measures and announced that the Department had "endorsed" the AHELP program. The notice suggested that interested staff or property owners could contact representatives of Energy Capital for further information. *Id.*

1319Approximately two months after the AHELP agreement was signed, two training *1319 programs were held for

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"Affordable Housing Energy Loan Program" ("AHELP") agreement. Under the AHELP agreement, Energy Capital could originate loans to owners of HUD properties for 3 years, or until a cap of $200 million in loan originations was reached. *Id.* In exchange, HUD promised to treat AHELP loans in a way that gave Energy

HUD officials and for staffers in HUD field offices in connection with the AHELP program. Witnesses from Energy Capital testified at trial that HUD had asked that Energy Capital train its field office representatives before marketing AHELP to building owners, so that the field staff would be knowledgeable and capable of responding to inquiries from the property owners. *Id.* at 390-91.

Following the training programs, Energy Capital began to market AHELP to property owners and managers. In its marketing efforts, Energy Capital focused in particular on the two largest owners of multifamily housing in HUD's housing portfolio: Insignia and National Housing Partners. Together, these two entities controlled nearly 1,000 properties in the HUD portfolio. Energy Capital representatives presented AHELP to representatives from Insignia and National Housing Partners at two different meetings in November of 1996. *Id.* at 391.

In addition to making presentations to Insignia and National Housing Partners, Energy Capital made sales presentations to various property owners/managers in the Boston, Massachusetts area. These presentations prompted owners to apply for AHELP loans by submitting PECs. *Id.* In conjunction with its activities directed to owners, Energy Capital also developed its internal resources to support AHELP. For example, it retained a search firm to hire a chief operating officer, a chief underwriter, a head of sales, and a sales force. In addition, it selected an energy consulting company as the engineering firm that would evaluate properties for energy viability. As Energy Capital had already received PECs, it retained six ESCOs to conduct energy audits. By February of 1997, Energy Capital had received 123 PEC forms and had completed the pre-screening process for approximately 22 properties. *Id.*

However, on February 7, 1997, there appeared on the front page of The Wall Street Journal an article stating that Energy Capital had received the AHELP contract in return for significant fund-raising efforts for President Clinton by certain principals of the firm. *Id.* at 392. On Monday, February 10, 1997, The Wall Street Journal, in its Corrections Amplifications Section, noted that the February 7 article had failed to state that "no one has said that HUD officials knew that the two men were major Democratic fund-raisers." *Id.*

HUD terminated the AHELP agreement on February 14, 1997, approximately 5½ months after it had been signed. In those 5½ months, Energy Capital had not completed the process of originating any loans. The AHELP agreement did not have a termination for convenience clause. *Id.*

D. Energy Capital's Action in the Court of Federal Claims

Energy Capital filed a complaint in the Court of Federal Claims on April 21, 1997, and an amended complaint on November 24, 1997. In its suit, Energy Capital sought to recover damages from the United States for breach of contract. After the government conceded liability for breach of contract, a trial was held on damages. The proceedings focused on the parties' differing views as to the measure of recovery to which Energy Capital was entitled. Energy Capital took the position that it was entitled to lost profits damages, while the government 1320urged that it should only be required to pay reliance damages. *Id.* *1320

The Court of Federal Claims started from the premise that in order to demonstrate entitlement to lost profits, Energy Capital was required to establish the elements of (1) causation, (2) foreseeability, and (3) reasonable certainty. *Id.* at 393. In addition, the court took the position that because AHELP was a new venture, Energy Capital would have a difficult burden establishing that its lost profits were reasonably certain. *Id.*

Following a trial, the court concluded that Energy Capital had carried its burden of proving that its lost profits were reasonably certain. *Id.* at 414-15. In reaching this conclusion, the court resolved various fact issues relevant to the proper measure of damages. On appeal the government does not challenge any of the court's findings of fact. We note the court's pertinent findings as follows:

(i) *Eligibility of Properties with Tenant-Paid Utilities*

The first issue addressed by the Court of Federal Claims was whether properties having apartments with tenantpaid utilities would have received AHELP loans. *Id.* at 397. The government argued that owners of such properties would have had no incentive to apply for AHELP loans because they would not have stood to benefit from any reduced utility expenses. *Id.* at 397-98.

The court rejected the government's argument for several reasons. First, it noted that there was nothing in the AHELP agreement or the AHELP Procedures Manual[3] that expressly excluded properties with tenant-paid utilities. *Id.* at 398. Second, the court found that owners of such properties could have taken over from their tenants the obligation of paying utility charges. In that event, the owners would have had an incentive to apply for AHELP loans, since the owners then would have benefited from decreased utility bills.[4] *Id.* Third, the court noted that before the AHELP agreement was terminated by HUD, Energy Capital had received PECs from property owners with tenant-paid utilities and had not rejected these PECs out of hand. *Id.* at 398-99. The court concluded that this contemporaneous conduct was indicative of the parties' understanding of the AHELP agreement. *Id.* at 399. Fourth, the court determined that it was unlikely that HUD would have found the AHELP Program attractive if properties with tenant-paid utilities were excluded, since excluding such properties would have reduced the number of eligible properties by 25 percent. *Id.*

[3] The AHELP Procedures Manual is an exhibit to the AHELP agreement; it sets forth the procedures that Energy Capital was to follow when originating AHELP loans.

[4] The court also found that the property owners would have been able to raise rents in conjunction with assuming the payment of utility bills. As a result, the tenants' total monthly payments (utilities plus rent) would have remained roughly the same.

(ii) *Eligibility of Section 202 Properties*

The next issue addressed by the Court of Federal Claims was whether, in addition to Field Notice properties, so-called "Section 202" properties were eligible to receive AHELP loans. A "Section 202" property takes its name from Section 202 of the Housing Act of 1959. Housing Act of 1959 § 202, 12 U.S.C. § 1701q (1994). A Section 202 property carries a first mortgage that is owned directly by FHA, rather than being insured by FHA. 1321 The AHELP agreement specified that Section *1321 202 properties were eligible for AHELP. At the time when the AHELP agreement was executed, however, the documentation and procedures for issuing AHELP loans to Section 202 properties had not yet been finalized. *Energy Capital,* 47 Fed. Cl. at 399. The agreement therefore stated that "certain elements of this Agreement, the AHELP Loan Documents and the AHELP Procedures Manual must be modified to reflect the structure of 202 . . . transactions. Prior to initiating an AHELP transaction for a Section 202 . . . development, the Lender shall submit document modifications to FHA for review and approval." *Id.* at 399 n. 13. The government argued that Section 202 properties should not be included in the damages calculation because, before any loans to Section 202 properties could have been made, new legal documents would have had to have been drafted and approved by FHA. *Id.* at 399.

The Court of Federal Claims disagreed. First, it pointed out that the AHELP agreement stated on its face that Section 202 properties were eligible for AHELP loans. *Id.* Second, it noted that prior to HUD's termination of the AHELP agreement, Energy Capital sent two letters to HUD that evinced a consistent intent to make loans to owners of Section 202 properties. *Id.* Third, the court found that FHA's approval of a modification of the AHELP documents to reflect the structure of Section 202 loans would have been obtained in a short amount of time because the financing arrangements for Section 202 properties were actually simpler than for Field Notice

properties. *Id.* at 399-400. Fourth, HUD Assistant Secretary Nick Retsinas testified at trial that he was interested in seeing the AHELP program succeed. Based upon that testimony, the court concluded that it was unlikely that AHELP would have foundered by reason of legal technicalities. Finally, the court determined that once FHA stated in the AHELP agreement that Section 202 properties were eligible for AHELP loans, the government had a duty of good faith to make this promise a reality. For all of these reasons, the court concluded that Section 202 properties were eligible to receive AHELP loans. *Id.* at 400.

(iii) *Number of Energy Viable Properties*

The Court of Federal Claims next addressed the issue of the number of eligible properties that were "energy viable", *i.e.* the number of properties that would have realized sufficient utility bill savings through improved energy efficiency to cover the cost of converting from electric heat to gas heat. The court relied on three overlapping methods provided by Energy Capital's experts to determine the number of such properties. *Id.* Although the court determined that there was an error in each of the three methods, it concluded that the overall analysis of each method was reliable. The court was able to correct for the error in each approach using the evidence in the record. After correction, all three methods produced a number in the range of 15 to 16 percent. Accordingly, the court found that 16 percent of the eligible properties were viable from a technological and energy-efficiency perspective. *Id.* at 403.

(iv) *Willingness Of HUD Property Owners To Obtain AHELP Loans*

An important evidentiary issue addressed by the Court of Federal Claims was the extent to which owners of HUD properties would have been willing to participate in AHELP. In that regard, Energy *1322 Capital presented the testimony of David Smith. Mr. Smith was the founder of Recapitalization Advisors, a consulting firm that Energy Capital had retained during the development of AHELP on account of its extensive knowledge of HUD's housing portfolio. Mr. Smith testified that he estimated that just 34 percent of the owners of HUD properties would not have been willing to participate in AHELP. The court found his testimony to be credible and accepted his estimate as reasonable. *Id.*

The court found that Mr. Smith's estimate was supported by the testimony of owners of HUD properties. Their testimony confirmed Mr. Smith's opinion that most owners would have been interested in AHELP loans. *Id.* As mentioned previously, the two largest owners/managers of properties in the HUD portfolio were Insignia and National Housing Partners. A former vice-president of Insignia and a former asset manager for National Housing Partners testified at trial. Both stated that their respective organizations would have been very interested in participating in AHELP despite some of the potential risks, such as lack of guaranteed energy savings, the need to obtain first mortgagee consent, and the interest rate in repaying the AHELP loans. Both Insignia and National Housing Partners were concerned that energy consumption was draining too much cash flow, but they had found that large scale energy improvements were too expensive. Thus, AHELP was very attractive to them. Insignia's desire to participate was further supported by its submission of approximately 43 PECs before the AHELP agreement was terminated. The court noted that the willingness of property owners to participate in AHELP was especially important because owners would risk their entire investment in the property. In other words, if property owners were willing to participate, then other entities, such as first mortgagees, who had less to lose (as discussed below) also would have been likely to participate. *Id.* at 403-04.

(v) *Energy Capital's Evaluation of Creditworthiness*

David Smith testified that Energy Capital would have rejected 11 percent of the potentially eligible Field Notice properties because of the lack of creditworthiness of the owner or the low quality of the property. Finding Mr. Smith to be credible, the court accepted his estimate as reasonably accurate. *Id.*

(vi) *First Mortgagee Consent*

The Court of Federal Claims also considered the question of first mortgagee consent. The court noted that it was possible that first mortgagees would have been reluctant to consent to an AHELP loan because, in general, a second loan could increase the chance of default on the loan secured by the mortgage they held. Furthermore, under the cross-default provision contemplated by the AHELP agreement, a property owner's default on the AHELP loan would put the first mortgage into default as well, depriving the first mortgagee of its anticipated interest payments during the term of the mortgage.[5]

[5] In the case of such a default, the first mortgagee would have recovered most of the principal of the loan because the loan was insured by FHA. 47 Fed. Cl. at 404. In the case of an insured loan, FHA typically pays approximately 95 to 99 cents on the dollar. *Id.* at 388.

1323 Neither party presented testimony from a first mortgagee. Instead, the parties *1323 presented evidence of incentives or disincentives for first mortgagees to consent. The court decided not to draw an adverse inference against either party for failing to call a witness because both parties had first mortgagee witnesses equally available but declined to call them. *Id.* at 406.

With regards to Fannie Mae, which held approximately 40 percent of the first mortgages on Field Notice properties, the Court of Federal Claims found that the most probative evidence was Fannie Mae's promise to fund up to $200 million of AHELP loans and also to purchase the loans back from Energy Capital. *Id.* at 405. The court found that Fannie Mae would have consented to second mortgages (to secure AHELP loans) being placed on all of the properties where it held the first mortgage, because it had risked its own money in support of the program. Furthermore, the court found that because increasing energy efficiency was consistent with Fannie Mae's goals, it was reasonable to conclude that Fannie Mae would have tolerated some risk to its capital. Thus, the court concluded that Fannie Mae would have consented to AHELP loans on 100% of the properties where it was the first mortgagee, which amounted to 40 percent of the total number of properties at issue. *Id.*

With regards to other first mortgagees, David Smith estimated that slightly more than 83 percent of the nonFannie Mae first mortgagees would have consented to the AHELP program. The government's expert, David Hisey, testified that zero percent of non-Fannie Mae first mortgagees would have consented. *Id.*

The Court of Federal Claims noted that first mortgagees risked losing the future interest income on their loan in the event of a default. *Id.* at 406. The court also noted, however, that the energy savings provided by AHELP energy improvements were designed to exceed the cost of the loan, thereby potentially providing the property owner with increased income. The court noted that this could potentially reduce the probability of default, although the court recognized that energy savings were not guaranteed and that utility rates were unpredictable. *Id.*

The court concluded, based on the evidence, that two-thirds of the non-Fannie Mae first mortgagees (66 percent) would have consented to AHELP loans. *Id.* at 407. The court arrived at this figure by initially finding that it was as likely as not that first mortgagees would consent. Expressing this mathematically as a 50 percent consent rate, the court added a percentage to account for the following incentives to consent: (i) first mortgagees were likely to follow the example of Fannie Mae, the largest holder of first mortgages; (ii) first mortgagees were likely to be influenced by FHA, the insurer of its mortgages; and (iii) Energy Capital was willing to pay a fee to first mortgagees to purchase their consent, a standard practice. The court noted that the 66 percent number was further compelling because it was the average number between two "reasonable"

estimates of 50 percent and 83 percent (proposed by Energy Capital's expert). The court dismissed the government's estimate of zero percent, finding it unreasonable. *Id.*

(vii) *Determination of the Amount of Lost Profits*

Based on its findings, the Court of Federal Claims determined that the total dollar amount of loans that would have been originated by Energy Capital had the AHELP agreement not been breached *1324 would have been $224,103,600, which was more than the $200,000,000 maximum amount allowed under the agreement. *Id.* at 410. Consequently, the Court found that Energy Capital would have originated the full amount of $200,000,000. *Id.*

Based on this figure, the court then determined Energy Capital's total revenue and deducted Energy Capital's expenses to arrive at a value of lost profits in the amount of $12,111,000, to be earned over 12 years. *Id.* at 414. The court then discounted the damages award to present value. The government argued that the court should (i) discount the damages award to the date of breach; and (ii) use a risk-adjusted discount rate. The court rejected this approach, concluding that precedent mandated (i) discounting to the date of judgment; and (ii) using a riskfree discount rate. Following this approach, the court arrived at a final discounted damages award of $8,787,000. *Id.* at 421.

After the court issued its decision, Energy Capital moved to alter or amend the judgment pursuant to RCFC 52(b) and 59(d), arguing that the court should correct two mathematical computations contained within the opinion. *Energy Capital v. United States,* No. 97-23C, slip op. at 1 (Fed.Cl. Dec. 19, 2000). The court granted Energy Capital's motion with respect to one of the computations and denied the other. After recalculating and discounting to present value, the court determined that Energy Capital's lost profits amounted to $10,082,000. *Id.* at 8.

The government timely appealed the trial court's decision. We have jurisdiction over the appeal pursuant to 28 U.S.C. § 1295(a)(3).

DISCUSSION

In reviewing a decision of the Court of Federal Claims following a trial, we review findings of fact for clear error and conclusions of law *de novo. Bd. of County Supervisors v. United States,* 276 F.3d 1359, 1363 (Fed. Cir. 2002). The government asserts that it "does not seek to overturn the lower court's factual findings." Rather, the government argues that the trial court "engaged in a degree of speculation that is not permitted as a matter of law." According to the government, the Court of Federal Claims made three errors of law: (i) awarding damages in the form of lost profits in the case of a new venture that never was performed; (ii) engaging in speculation in concluding that the AHELP agreement would have yielded profits for Energy Capital; and (iii) applying a risk-free discount rate and discounting future profits to the date of judgment rather than to the date of the government's breach of contract. We address each of these contentions in turn.

A. Whether Lost Profits May Be Awarded For A New Venture

The government urges us to adopt a per se rule that lost profits may never be recovered for a new business venture that was not performed. For the reasons explained below, we decline to adopt such a rule.

"One way the law makes the non-breaching party whole is to give him the benefits he expected to receive had the breach not occurred." *Glendale Fed. Bank, FSB, v. United States,* 239 F.3d 1374, 1380 (Fed. Cir. 2001) (citing Restatement (Second) of Contracts § 344(a) (1981)). "The benefits that were expected from the contract, `expectancy damages,' are often equated with lost profits, although they can include other damage elements as

1325well." *Id.* (citing Restatement (Second) of Contracts § 347). To recover *1325 lost profits for breach of contract, the plaintiff must establish by a preponderance of the evidence, *see Knapp Shoes, Inc. v. Sylvania Shoe Mfg. Corp.,* 72 F.3d 190, 204 (1st Cir. 1995), that: (1) the loss was the proximate result of the breach; (2) the loss of profits caused by the breach was within the contemplation of the parties because the loss was foreseeable or because the defaulting party had knowledge of special circumstances at the time of contracting; and (3) a sufficient basis exists for estimating the amount of lost profits with reasonable certainty. *See Chain Belt Co. v. United States,* 115 F.Supp. 701, 714, 127 Ct.Cl. 38, 58 (1953); Restatement (Second) of Contracts § 351(1) (1981) ("Damages are not recoverable for loss that the party in breach did not have reason to foresee as a probable result of the breach when the contract was made."). *See also California Fed. Bank v. United States,* 245 F.3d 1342, 1349 (Fed. Cir. 2001) (" *Cal Fed*") ("Lost profits are `a recognized measure of damages where their loss is the proximate result of the breach and the fact that there would have been a profit is definitely established, and there is some basis on which a reasonable estimate of the amount of the profit can be made.'") (quoting *Neely v. United States,* 152 Ct.Cl. 137, 285 F.2d 438, 443 (1961) (" *Neely I*")).

The government contends that because Energy Capital was engaged in a new business that had never been performed, the Court of Federal Claims' award of lost profits was speculative and erroneous as a matter of law. In making this argument, the government relies on *Neely I.* In that case, the government breached its agreement to allow the plaintiff to strip-mine certain leased lands for coal, and the plaintiff sought lost profits damages. The government quotes the following passage from *Neely I:*

> [P]rofits are uncertain; they depend on so many contingencies, especially in a new enterprise, that it is, in most cases, impossible to say that the breach was the proximate cause of the loss of them, or that a profit would have been realized, in any event; nor is there any basis to determine what they might have amounted to. This is especially true where the breach occurred before operations had begun.

* * * * * *

> Suffice it to say that almost always, in the case of a new venture, the fact that there would have been a profit, had there been no breach, is too shrouded in uncertainty for loss of anticipated profits to form a reliable measure of the damages suffered.

Id.

Although the above excerpt articulates the principle that lost profits are difficult to establish in the case of a new venture, the subsequent history of *Neely* is not helpful to the government, as was noted by the trial court. The *Neely I* court, after explaining that lost profits are rarely available for a new venture, went on to make it clear that, in fact, lost profits damages could be recovered by the plaintiff. The Court of Claims noted that the plaintiff eventually assigned the lease at issue to a third party, who was allowed to mine the property. *Id.* The court stated that "the profit realized from these operations [by the third party], if, indeed, there were profits, would furnish some basis for a fairly reliable estimate of what plaintiff's profits would have been." *Id.* The court remanded the case to the Trial Commissioner for additional fact-finding regarding the profits earned by 1326the third party. After remand, the Trial Commissioner awarded lost profits to the plaintiff and the *1326 Court of Claims affirmed the decision. *Neely v. United States,* 167 Ct.Cl. 407, 1964 WL 8619 (1964) (" *Neely II*").

The government argues that the present case is distinguishable from *Neely* because in *Neely* a third party actually performed the contract at issue, whereas in the present case the lower court did not have evidence of any entity ever having engaged in AHELP lending. As far as the factual differences between *Neely* and this case are concerned, the government is correct. Where we disagree with the government is in our conclusion that *Neely* is not limited to circumstances where the contract has been performed by another party. We recently

rejected an argument similar to the government's in *Cal Fed.* There, the Court of Federal Claims held that enactment of the Financial Institutions Reform, Recovery, and Enforcement Act, Pub.L. No. 101-73, 103 Stat. 183 (1989) ("FIRREA"), breached the government's promise to Cal Fed bank to allow a favorable accounting treatment in return for the acquisition of failing thrifts. Before trial, the court denied Cal Fed's claim for lost profits on summary judgment, concluding that profits would be too speculative as a matter of law. 43 Fed. Cl. 445, 458 (1999). The court distinguished *Neely* by noting that, in *Neely,* another party actually performed the contract which thereby provided "such precise information [as to] permit a determination of damages through simple mathematical calculations." *Id.* The court also distinguished *Chain Belt,* which was relied upon by Cal Fed. The court stated that, in *Chain Belt,* there was "detailed damages information available to the court [that was] striking by comparison" to the evidence before the court in *Cal Fed.* 43 Fed. Cl. at 459.

We vacated the summary judgment and remanded for trial on the issue of lost profits, holding that the lower court had erred in ruling at the summary judgment stage that proof of lost profits would be too speculative. We stated: "Both the existence of lost profits and their quantum are factual matters that should not be decided on a motion for summary judgment if material facts are in dispute." *Cal Fed,* 245 F.3d at 1350. We noted that "Cal Fed submitted considerable evidence, including documents and expert testimony, that more than sufficed to create a genuine issue of material fact as to the existence and quantum of lost profits." *Id.* We concluded that "'[i]f a reasonable probability of damage can be clearly established, uncertainty as to the amount will not preclude recovery.'" *Id.* (quoting *Locke v. United States,* 283 F.2d 521, 524, 151 Ct. Cl. 262 (1960)).

The government argues that *Cal Fed* is distinguishable from the present case because it did not involve a "new venture." The government reiterates its position that because AHELP was a new venture and because no evidence was presented of historical performance of a type of business similar to AHELP, it is impossible to measure lost profits with reasonable certainty.

We do not agree that lost profits should be precluded as a matter of law for new ventures that have not previously been performed by a third party. Whether or not one considers AHELP to have been a "new venture" or merely an extension of Energy Capital's existing loan business, Energy Capital was required to demonstrate its entitlement to lost profits by showing the same elements that any business must show: (1) causation, (2) foreseeability, and (3) reasonable certainty. *See Chain Belt,* 115 F.Supp. at 714, 127 Ct.Cl. at 58. 1327 While the nature of a new venture may make it difficult to recover lost profits *1327 by establishing all of the elements of the general rule, such damages are not barred as a matter of law. This is consistent with the weight of modern authority, as explained in Robert L. Dunn, *Recovery of Damages for Lost Profits* § 4.3 (5th ed. 1998):

> Most recent cases reject the once generally accepted rule that lost profits damages for a new business are not recoverable. The development of the law has been to find damages for lost profits of an unestablished business recoverable when they can be adequately proved with reasonable certainty. . . . What was once a rule of law has been converted into a rule of evidence.

Id. In a similar vein, the Seventh Circuit has quoted approvingly the following statement by the Alabama Supreme Court:

> [T]he weight of modern authority does not predicate recovery of lost profits upon the artificial categorization of a business as "unestablished," "existing," or "new" particularly where the defendant itself has wrongfully prevented the business from coming into existence and generating a track record of profits. Instead the courts focus on whether the plaintiff has adduced evidence that provides a basis

> from which the jury could with "reasonable certainty" calculate the amount of lost profits. . . . [T]he risk of uncertainty must fall on the defendant whose wrongful conduct caused the damages.

Mid-America Tablewares, Inc. v. Mogi Trading Co., 100 F.3d 1353, 1366 (7th Cir. 1996) (quoting *Super Valu Stores, Inc. v. Peterson,* 506 So.2d 317, 327-30 (Ala. 1987)); *see also DSC Communics. Corp. v. Next Level Communics.,* 107 F.3d 322, 329-30 (5th Cir. 1997) (affirming award of profits based on expert testimony regarding projected sales of "revolutionary new product" yet to enter market); *In re Merritt Logan, Inc.,* 901 F.2d 349, 357-59 (3rd Cir. 1990) (affirming award of profits for new venture, based on plaintiff's contemporaneous projections of expected sales and expert testimony that forecasts were reasonable); *Computer Sys. Eng'g, Inc. v. Qantel Corp.,* 740 F.2d 59, 67 (1st Cir. 1984) (affirming award of profits to new business based on expert testimony).

The cases cited by the government do not stand for the proposition that a *per se* bar exists for lost profits for new ventures. Rather, they simply represent instances in which the claimant failed, as an evidentiary matter, to establish entitlement to such profits. *See L'Enfant Plaza Properties, Inc. v. United States,* 3 Cl.Ct. 582, 590-91 (1983) (finding that the evidence was insufficient to show all three prongs of reasonable certainty, causation, and foreseeability); *Northern Paiute Nation v. United States,* 9 Cl.Ct. 639, 646 (1986) (stating that "the problem of speculation is insurmountable"); *see also Bluebonnet Savings Bank, F.S.B. v. United States,* 266 F.3d 1348, 1358 (Fed. Cir. 2001) (affirming the Court of Federal Claims' decision not to award lost profits because "the evidence was insufficient to determine the quantum of . . . damages to a reasonable certainty.")

Similarly, the cases cited by the government from other circuits also do not establish a *per se* bar to lost profits for new ventures, but merely recite the presumptive rule that lost profits are difficult to establish for new ventures. *See Computrol, Inc. v. Newtrend, L.P.,* 203 F.3d 1064 (8th Cir. 2000) (affirming the district court's post-trial ruling denying lost profits damages to the plaintiff because (i) a limitation of liability clause in the contract precluded recovery of lost profits; and (ii) *1328 evidence of lost profits presented was unduly speculative); *Scheduled Airlines Traffic Offices, Inc. v. Objective, Inc.,* 180 F.3d 583, 588 (4th Cir. 1999) (affirming the district court's judgment as a matter of law denying lost profits damages to the plaintiff because there was no evidence by which to estimate damages); *Hollywood Fantasy Corp. v. Gabor,* 151 F.3d 203, 213 (5th Cir. 1998) (holding that a jury verdict awarding lost profits as damages was not supported by substantial evidence, because "there was no evidence at trial that [plaintiff] had `firm' reasons to expect a profit.")

In this case, the Court of Federal Claims properly recognized that while the evidentiary hurdles to recovering lost profits for a new venture are high, such profits may be recovered if the hurdles are overcome. Because the court found as a matter of fact that Energy Capital had established causation, foreseeability, and reasonable certainty, and because the government does not challenge the court's findings of fact, we will not disturb the court's holding that Energy Capital is entitled to recover lost profits.

B. Whether Energy Capital Showed That It Would Have Realized Profits From The AHELP Venture

The government further argues that the Court of Federal Claims erred as a matter of law by engaging in "rampant" and "unsupported" speculation in arriving at its determination that Energy Capital would have realized profits from the AHELP venture. The government contends that speculative expectancy damages may not be awarded against the United States, citing *Wells Fargo Bank N.A. v. United States,* 88 F.3d 1012, 1021 (Fed. Cir. 1996) ("remote and consequential damages are not recoverable in a common-law suit for breach of contract . . . especially . . . in suits against the United States for the recovery of common-law damages.").

The government asserts that, before Energy Capital could have closed an AHELP loan, a number of steps would have had to have been completed and a number of parties (e.g. HUD, the first mortgagees, and property owners) all would have had to agree to the transaction. The government thus argues that the trial court's prediction that each of these steps would have occurred amounted to a level of speculation that was erroneous as a matter of law.

We do not agree that the Energy Capital's lost profits were overly remote and speculative as a matter of law. According to *Wells Fargo,*

> [i]f the profits are such as would have accrued and grown out of the contract itself, as the direct and immediate results of its fulfillment, then they would form a just and proper item of damages, to be recovered against the delinquent party upon a breach of the agreement. . . . But if they are such as would have been realized by the party from other independent and collateral undertakings, although entered into in consequence and on the faith of the principal contract, then they are too uncertain and remote to be taken into consideration as a part of the damages occasioned by the breach of the contract in suit.

88 F.3d 1012, 1022-23 (Fed. Cir. 1996) (quoting *Ramsey v. United States,* 101 F.Supp. 353, 121 Ct.Cl. 426 (1951)).

In the present case, Energy Capital's anticipated profits flowed directly from the AHELP agreement and not 1329 from "other independent and collateral undertakings." *1329 As the Court of Federal Claims found, the express purpose of the AHELP agreement was to permit Energy Capital to make up to $200 million worth of loans to HUD-assisted property owners. *Energy Capital,* 47 Fed. Cl. at 385. When the government breached the AHELP agreement, Energy Capital was no longer able to issue those loans, and its resulting loss of profits flowed directly from the government's breach. *See Cal Fed,* 245 F.3d at 1349 (distinguishing *Wells Fargo* by pointing out that the government's promise to provide favorable regulatory treatment to Cal Fed was "a central focus of the contract and the subject of the government's breach," and stating that "profits on the use of the subject of the contract itself, here, supervisory goodwill as regulatory capital [were] recoverable as damages.").

To the extent that a decision to award lost profits could be so remote and speculative as to be incorrect as a matter of law, we do not have such a case here. What we have before us is a case in which the trial court drew reasonable inferences based upon the evidence, not a case in which the trial court engaged in unsupported speculation. *See Locke v. United States,* 283 F.2d 521, 524, 151 Ct.Cl. 262, 267-68 (1960) ("Certainty [of damages] is sufficient if the evidence adduced enables the court to make a fair and reasonable approximation of the damages. In circumstances such as these we may act upon probable and inferential as well as direct and positive proof." (citations omitted)).

When asked at oral argument to name the most egregious example of speculation by the Court of Federal Claims, counsel for the government cited the issue of first mortgagee consent. Counsel pointed out that (i) Energy Capital presented no testimony from first mortgagees; (ii) Fannie Mae never consented to any AHELP loans in its capacity as first mortgagee — Fannie Mae had simply agreed to provide the funding for the AHELP loans; (iii) the government's expert, David Hisey, testified that virtually none of the first mortgagees would consent to participate in the AHELP program; and (iv) Energy Capital's testifying expert had a financial stake in the AHELP program.

Counsel's argument seems to be an indirect attack on the sufficiency of the evidence, rather than a legal argument. In any event, we conclude that the Court of Federal Claims drew reasonable inferences based on all

of the evidence — discussed at length above — to arrive at its finding that 66 percent of first mortgagees would have consented to AHELP loans. The trial court also reasonably inferred that if Fannie Mae had agreed to fund AHELP, it also would have consented to allow AHELP loans on those properties for which it was first mortgagee.

As for the consent of the non-Fannie Mae first mortgagees, the Court of Federal Claims took into account the various incentives and disincentives to consent, including the fees that Energy Capital was willing to pay to first mortgagees to purchase their consent. Although Energy Capital failed to provide any witnesses from first mortgagees, it did present the testimony of David Smith, who was intimately familiar with the properties in the HUD portfolio. As for the relative weight given to the testimony of both sides' expert witnesses, we accord the trial court broad discretion in determining credibility because the court saw the witnesses and heard their testimony. *See Commercial Contractors, Inc. v. United States,* 154 F.3d 1357, 1369 (Fed. Cir. 1998).

1330 For the above reasons, we do not find the trial court's finding that 66 percent *1330 of first mortgagees would have consented to AHELP loans to be clearly erroneous. Nor do we find the court's overall determination that Energy Capital was entitled to lost profits to be speculative as a matter of law.

C. The Computation of Damages

Finally, the government contends that the Court of Federal Claims made the following two errors when it discounted the damages award: (i) discounting damages to the date of judgment instead of the date of breach of contract; and (ii) using a risk-free discount rate rather than a risk-adjusted discount rate.

(i) *Date of Discounting*

The government argues that by discounting to the date of judgment, the trial court effectively awarded prejudgment interest against the United States — a practice which is prohibited by *Library of Congress v. Shaw,* 478 U.S. 310, 314, 106 S.Ct. 2957, 92 L.Ed.2d 250 (1986), unless there has been an explicit waiver of sovereign immunity. We disagree.

"The time when performance should have taken place is the time as of which damages are measured." *Reynolds v. United States,* 158 F.Supp. 719, 725, 141 Ct.Cl. 211, 220 (1958). In many cases, the appropriate date for calculation of damages is the date of breach. *See Estate of Berg v. United States,* 687 F.2d 377, 380, 231 Ct.Cl. 466, 469 (1982). That rule does not apply, however, to anticipated profits or to other expectancy damages that, absent the breach, would have accrued on an ongoing basis over the course of the contract. In those circumstances, damages are measured throughout the course of the contract. To prevent unjust enrichment of the plaintiff, the damages that would have arisen after the date of judgment ("future lost profits") must be discounted to the date of judgment. *See Northern Helex Co. v. United States,* 634 F.2d 557, 564, 225 Ct.Cl. 194, 205 (1980) (discounting anticipated profits to the date of judgment). Discounting future lost profits to the date of judgment merely converts future dollars to an equivalent amount in present dollars at the date of judgment; it is not an award of prejudgment interest and does not violate sovereign immunity.

Almost all of Energy Capital's lost profits would have been earned after the date of judgment. *Energy Capital,* 47 Fed. Cl. at 417 n. 42. Accordingly, we hold that the trial court did not err in discounting Energy Capital's lost profits to the date of judgment instead of the date of breach.

(ii) *Discounting for Risk*

The government also argues that the trial court incorrectly applied a risk-free discount rate of 5.9 percent, the rate of return on 10-year Treasury notes with constant maturity. The government contends that the discount rate

represents the return an investor would require in order to risk investing capital in a particular venture and that such a rate must incorporate any risk that cash flows would not be realized.

Before deciding this issue, we review the pertinent evidence presented at trial. Energy Capital retained an expert, Jerry Arcy, to calculate the damages suffered by Energy Capital as a result of HUD's termination of the AHELP agreement. At the time of trial, Mr. Arcy was a partner with the accounting firm of Price Waterhouse Coopers, where he was in charge of *1331 corporate finance and corporate value consulting for all financial service entities in North America. Mr. Arcy testified based upon his experience in the valuation of cash flows relating to various types of mortgage instruments and portfolios of loans.

Mr. Arcy prepared an expert report and testified at trial about the value of the AHELP venture prior to the breach. To calculate this value, he used what is referred to as the "discounted cash flow" ("DCF") method. The DCF method is currently in wide use in the analysis of capital stock, acquisition candidates, capital projects, financial instruments, and contract rights. The DCF method measures the value of a business by forecasting its anticipated net cash flows. Such cash flows are then discounted to present value to account for both: (i) the time value of money; and (ii) business and financial risks.

In applying the DCF method, Mr. Arcy began by calculating that the AHELP venture would have produced $24.6 million in profits absent the breach. Mr. Arcy then discounted the $24.6 million amount to present value using a risk-adjusted discount rate. He determined that the most appropriate risk-adjusted discount rate was based on the average rate of return on mortgage real estate investment trusts ("REITs"). An REIT is a legal entity recognized by the Internal Revenue Code. A mortgage REIT is a REIT that chooses to own mortgage interests in real estate, as opposed to owning the encumbered real estate itself.

Mr. Arcy relied on mortgage REITs because a mortgage REIT would be interested in acquiring AHELP loans. During the appropriate time, the average dividend yield (i.e. the rate of return) for mortgage REITs was approximately 8.5 percent. Mr. Arcy then added 2 percent to that rate in order to account for the debt component and profit component, thereby arriving at a risk-adjusted discount rate of 10.5 percent.[6]

[6] Mr. Arcy testified that the DCF method calculates the present value of a venture that is anticipated to produce a stream of profits by using a risk-adjusted discount rate. The risk-adjusted discount rate represents the rate of return that an investor would require in order to purchase the venture (i.e. purchase the stream of anticipated profits), considering the riskiness of the venture. The higher the risk, the higher the rate of return an investor would require.

The government presented its own accounting expert, David Hisey, who also testified regarding the value of the AHELP venture prior to the breach. Mr. Hisey agreed with Mr. Arcy that a risk-adjusted discount rate was appropriate, but opined that a higher risk-adjusted discount rate of 25% should be used. Mr. Hisey considered the AHELP Program to be a form of specialized lending. Mr. Hisey, accordingly, averaged the returns of five specialized lending companies.

In post-trial briefing, Energy Capital backed away from a portion of the valuation method used by its own expert, Mr. Arcy. Specifically, Energy Capital objected to the use of a risk-adjusted discount rate; Energy

Capital argued instead that *LaSalle Talman Bank v. United States,* 45 Fed. Cl. 64, 109 n. 69 (1999), mandates the use of a risk-free rate of return, which *LaSalle* suggests is the current rate of interest on Treasury securities.[2]

1332*See Energy Capital,* 47 Fed. Cl. at 417. *1332

The Court of Federal Claims, relying on *Northern Helex,* 634 F.2d at 564, agreed with Energy Capital that the appropriate discount rate was the rate of return on "conservative investment instruments." *Energy Capital,* 47 Fed. Cl. at 418. The court thereby took judicial notice of the rate of return on 10-year Treasury notes with constant maturity on the date of judgment (5.9%) and discounted the damages award to present value using this conservative discount rate. The court also stated, however:

> Notwithstanding *Northern Helex,* the Defendant presents a cogent argument for why the discount rate should consider the riskiness of the endeavor. Undoubtedly, the Defendant will present its argument to the Federal Circuit, a court with the authority to overrule *Northern Helex.*
>
> The Federal Circuit may determine that, as a matter of law, trial courts should consider the riskiness of the project in establishing the discount rate. The Defendant cites *In re Lambert,* 194 F.3d 679, 681 (5th Cir. 1999); *Douglass v. Hustler Magazine, Inc.,* 769 F.2d 1128, 1143 (7th Cir. 1985); and *Schonfeld v. Hilliard,* 62 F.Supp.2d 1062, 1074 n. 6 (S.D.N.Y. 1999), all cases where the discount rate was affected by the risks. This Court believes that the assessment of the riskiness of the investment is a question of fact. Hence, the Court will make findings of fact related to this issue. These findings, however, are useful only if the Federal Circuit holds that the discount rate is something other than the rate on conservative investment instruments.

Id.

The court proceeded to make alternative findings of fact as to an appropriate risk-adjusted discount rate. The court found that, If the discount rate should reflect the riskiness of the AHELP venture, then the discount rate should be 10.5 percent, the rate proposed by Energy Capital's expert, Mr. Arcy. *Id.* The court expressly rejected the discount rate (25 percent) offered by the government's expert, Mr. Hisey, because it found his methodology "far from credible." *Id.* We hold that Mr. Arcy's proposed risk-adjusted discount rate of 10.5 percent is the appropriate discount rate to be used in this case.

The appropriate discount rate is a question of fact. *See, e.g.,* Robert L. Dunn, *Recovery of Damages for Lost Profits* § 6.25 (5th ed. 1998) ("The applicable discount rate is a fact question that should be raised."); *Monessen Southwestern Railway Co. v. Morgan,* 486 U.S. 330, 341, 108 S.Ct. 1837, 100 L.Ed.2d 349 (1988) (holding that when discounting an injured employee's award under the Federal Employers' Liability Act, "the present value calculation is to be made by the `trier of fact'"); *Olson v. Nieman's, Ltd.,* 579 N.W.2d 299 (Iowa 1998) (discount rate of 19.4% approved for future hypothetical patent royalties based on expert's testimony as to 14.4% rate of return for publicly-held corporations plus 5% for market risk); Robert L. Dunn and Everett P. Harry, *Modeling and Discounting Future Damages,* 193 J. Acct 49, 51 (Jan. 2002) (discussed in footnote 9 below).

The purpose of the lost profits damages calculation is to put Energy Capital "in as good a position as [it] would have been in had the contract been performed." Restatement (Second) of Contracts § 344(a). To arrive at the appropriate damages figure, both sides presented expert certified public accountant witnesses who calculated

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[2] The lower the discount rate used, the higher the present value of the damages award. It was therefore in Energy Capital's interest to advocate as low a discount rate as possible.

1333the value of the AHELP venture prior to *1333 the breach. Both experts had a great deal of experience in valuing mortgage portfolios, and neither expert advocated using a risk-free discount rate. Both experts advocated using risk-adjusted discount rates, albeit different ones.

Energy Capital argues that once the Court of Federal Claims determined that its profits were reasonably certain, no further consideration of risk was appropriate, because risk already had been considered in determining whether there would have been profits. We disagree. A venture that is anticipated to produce $1 million in profits and that has a 95% chance of success is obviously more valuable than a venture that is anticipated to produce $1 million in profits with only a 90% chance of success — and yet, both ventures would most likely be determined to have a reasonable certainty of producing profits. Therefore, the fact that the trial court has determined that profits were reasonably certain does not mean that risk should play no role in valuing the stream of anticipated profits. In other words, by finding that Energy Capital's lost profits were reasonably certain, the trial court determined that the probability that the AHELP venture would be successful was high enough that a determination of profits would not be unduly speculative. The determination of the amount of those profits, however, could still be affected by the level of riskiness inherent in the venture.[8]

[8] When the Court of Federal Claims determined the amount of Energy Capital's lost profits, it inherently accounted for a number of risks, such as the risk that not all first mortgagees and property owners would consent to the AHELP agreement. However, other risks were not accounted for by the court, such as the risk that borrowers would default on their AHELP loans. Even though Energy Capital itself was not going to provide funding for AHELP loans, its profits still would have been reduced by any defaults on the part of property owners. That is because its profits were dependent on receiving a percentage of the stream of loan payments from the owners.

Energy Capital argues that the sole purpose in discounting is to account for the time value of money. Again, we disagree. When calculating the value of an anticipated cash flow stream pursuant to the DCF method, the discount rate performs two functions: (i) it accounts for the time value of money; and (ii) it adjusts the value of the cash flow stream to account for risk. *See* Richard A. Brealey and Steward C. Myers, *Principles of Corporate Finance,* p. 244 (6th ed. 2000) (explaining that when valuing an anticipated cash flow, "if the cash flow is risky, the normal procedure is to discount its forecasted (expected) value at a risk-adjusted discount rate. . . . The risk-adjusted discount rate adjusts for both time and risk.")

We do not hold that in every case a risk-adjusted discount rate is required. Rather, we merely hold that the appropriate discount rate is a question of fact. In a case where lost profits have been awarded, each party may present evidence regarding the value of those profits, including an appropriate discount rate.

Northern Helex did not mandate that a conservative discount rate is always required as a matter of law when calculating lost profits. In *Northern Helex,* the Court of Claims rejected the methodology used by the Trial Judge in calculating a lost profits damages award. After correcting the Trial Judge's methodology, the court arrived at a new figure for lost profits and then discounted to present value using "conservative investment instruments." 634 F.2d at 564. Significantly, the court made no mention of any evidence presented at trial
1334pertaining to a risk-adjusted discount rate. When there is no evidence *1334 in the record pertaining to the discount rate to be used when discounting a damages award, it certainly is appropriate for a court to apply a

risk-free conservative discount rate to discount a damages award to present value. That does not mean, however, that a conservative discount rate is legally mandated in every case.[3]

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[3] There are other situations where a risk-free discount rate may also be appropriate. For example, in some cases the calculation of the anticipated stream of lost profits may be adjusted for risk prior to discounting. As explained in Robert L. Dunn and Everett P. Harry, *Modeling and Discounting Future Damages*, 193 J. Acct 49 (Jan. 2002): "CPA expert witnesses frequently testify in court about damages assessments when a plaintiff alleges future economic losses because of a defendant's wrongdoing." The Dunn and Harry article then explains that there are two methods typically used by CPA experts to account for risk when calculating the value of a stream of anticipated profits. According to the first method, the CPA expert (i) estimates the plaintiff's hoped-for income stream (i.e. the anticipated profits); (ii) reduces the value of the hoped-for income stream to account for risks; and (iii) discounts the risk-adjusted income stream to present value using a conservative (relatively low) discount rate. According to the second method, the CPA expert (i) estimates the plaintiff's hoped-for income stream; and (ii) discounts the value of the hoped-for income stream

using a risk-adjusted (higher) discount rate. The authors of the article prefer the first method because, according to the authors, it is "easier for judges and juries to understand," and it produces a more accurate damages value when there is a short, finite damages period. *Id.* at 49.

In a given case, it is for the factfinder to determine the method of adjusting for risk which most closely represents the value of damages. In the case before us, both parties presented CPA experts who agreed that a risk-adjusted discount rate was appropriate. Neither expert suggested that using a risk-free discount rate would accurately represent the value of the AHELP venture. Because the trial court found that Mr. Arcy's discount rate was more credible, we hold that 10.5% is the appropriate discount rate in this case.

CONCLUSION

The Court of Federal Claims did not err in awarding Energy Capital lost profits from the AHELP venture. Neither did the court err in reducing the award to present value as of the date of judgment. In those respects, the decision of the Court of Federal Claims is affirmed. We do conclude, however, that in the circumstances of this case, the present value of the damages award should have been calculated using a risk-adjusted discount rate. In that limited respect, the court's decision is reversed. The case is remanded to the Court of Federal Claims for determination of a final damages award based upon the risk-adjusted discount rate of 10.5 percent found in the alternative by the court. Accordingly, the court's decision is affirmed-in-part, reversed-in-part, and remanded.

AFFIRMED-IN-PART, REVERSED-IN-PART and REMANDED.

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NOMINATIONS

TUESDAY, MAY 10, 2022

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

The committee met, pursuant to notice, at 2:38 p.m., in Room SD–106, Dirksen Senate Office Building, Hon. Robert Menendez presiding.

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

Also Present: Senator Peters.

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

The CHAIRMAN. This hearing of the Senate Foreign Relations Committee will come to order. We are here today to consider nominations for three important positions: Ambassador Bridget Brink to be the Ambassador to Ukraine, Ambassador Elizabeth Richard to be Coordinator for Counterterrorism, and Ambassador Alexander Laskaris to be the Ambassador to Chad.

I understand that Senator Peters will be introducing Ambassador Brink, and we have a vote going on the floor so we want to accommodate Senator Peters.

We will recognize you at this point.

STATEMENT OF HON. GARY C. PETERS, U.S. SENATOR FROM MICHIGAN

Senator PETERS. Thank you, Chairman Menendez and Ranking Member Risch. It is, certainly—it is my honor to introduce Ambassador Bridget Brink to the committee.

I also want to recognize Ambassador Brink's family, who are with her here today—her husband Nick, who is also serving our country as a diplomat, and her two sons, Jack and Cole.

Like our service members and their families, our diplomats do not serve alone, as every member of this committee knows. Their families often go unrecognized as our diplomats perform their crucial work in foreign lands thousands of miles from their country. We want to thank all of them for their service.

Ambassador Brink was born and raised in East Grand Rapids and graduated from East Grand Rapids High School in Michigan. Growing up, she remembers driving by a sign that proudly recognized her hometown as the home of President Gerald Ford. Presi-

dent Ford's decency, integrity, and humility served as a marker for the Midwest values that Ambassador Brink lives by.

And Ambassador Brink still keeps Michigan very close to her heart, visiting family in west Michigan every year. Although she has lived all across the globe through her career, she will tell you that her favorite place in the entire world to visit is back along the shoreline of Lake Michigan, and that makes sense. As I have always said, the Great Lakes are more than a national treasure to Michiganders. They are actually—they are ingrained in our DNA, and, clearly, the Great Lakes, are in Ambassador Brink's DNA as well.

Now Ambassador Brink will have the opportunity to uphold those Michigan values at a time of incredible upheaval in Ukraine and I know Ambassador Brink is ready for the challenge.

She is a seasoned diplomat who first joined the State Department in 1996 and has spent her career in places like Georgia, Serbia, Slovakia, Uzbekistan—places where she learned the intricate dynamics that underpin much of the post-Soviet order in Eastern Europe and Central Asia, and where she learned early on how Russia chooses to treat its neighbors.

Ambassador Brink will be in charge not just with supporting our Ukrainian partners in the immediate fight against the Russian invasion but also in the recovery and rebuilding phases after.

As someone who was working in the U.S. embassies during the conflict in the Balkans and in Tbilisi after the Rose Revolution, Ambassador Brink knows what it takes. Her leadership is more vital than ever and her service across five administrations is fitting tribute to the apolitical service to country that we expect from our civil servants.

I am proud to recognize Ambassador Brink for her extraordinary professional achievements and to congratulate her on this opportunity to serve her country. Her success will be our country's success, and I cannot think of anyone more equipped for this position, and that is why I would encourage her swift confirmation.

And thank you for this opportunity to introduce an absolutely extraordinary woman.

The CHAIRMAN. Thank you, Senator Peters, for that glowing introduction. We appreciate your insights, and I know that there is a vote on the floor so feel free to leave when you choose to do so.

More than two months into Russia's horrific war against Ukraine it seems clear that the battle for the future of Ukraine is far from over. While Ukraine has impressed the world with its bravery, a bloody fight continues as we sit here today.

Just yesterday missiles hit as a top European diplomat met with the Ukrainian prime minister. Missiles have struck in Lviv where U.S. diplomats commute from Poland. The Russian military has destroyed towns and cities, and people are suffering. But the Ukrainian people continue to fight and defend their country.

At the same time, American and European diplomats are working diligently to reopen diplomatic posts while ensuring the safety and security of our personnel.

And so, Ambassador Brink, thank you for accepting this critical posting. You will be more than a wartime ambassador. Your appointment and, I hope, expedient confirmation, along with the re-

turn of American diplomats, sends a powerful message to the world—we stand with Ukraine and the free world will not abandon those fighting to protect it.

Once confirmed, you will face multiple complex diplomatic challenges: navigating relations with NATO and our partners in Europe, helping refugees find food and shelter, maintaining Russian sanctions while meeting Europe's energy needs, documenting Russian war crimes, and supporting policies and institutions to be ready for reconstruction efforts.

With all this in mind, I am pleased that the Administration has identified the right person for such a difficult job, and I am pleased that we are considering a diplomat with extensive experience, who, as ambassador to Slovakia, has worked with a large Ukrainian refugee community and ensured the transfer of critical air defense systems to Ukraine, someone with experience tackling the security challenges of eastern and central Europe, who served in Belgrade during the Balkan Wars, and was a student in Europe when the Berlin Wall fell.

Having said all of that, Ambassador Brink, we are going to look forward to hearing your thoughts on how you plan to tackle the challenges that await and about your priorities for the first few months. It is a difficult challenge and I think you will be up to it, and we wish you well and your mission.

We are also hearing today from the nominee for the Coordinator for the State Department Counterterrorism Bureau, Ambassador Elizabeth Richard. The Coordinator is responsible for harmonizing the actions of U.S. Government counterterrorism agencies to support partnering arrangements with state, nonstate, and multilateral entities.

Ambassador Richard has a long and impressive record of service as our Ambassador to Lebanon, Deputy Chief of Mission in Yemen, Deputy Assistant Secretary for Near East Asia Affairs, just to name a few, in her 36 years of dedicated service to United States foreign policy.

I look forward to hearing from you about what new initiatives and directions you will take the Counterterrorism Bureau upon your confirmation.

Finally, we are considering Ambassador Alex Laskaris for Chad, a country which for decades was run by strongman Idriss Deby. It is one of three countries in the Sahel that has recently experienced a coup, further undermining stability in an already fragile region. But there is now a chance, however slight, for Chad to undergo a transformation.

Ambassador Laskaris, I will be interested in hearing now from you what you will do to support efforts for Chad's transition to democracy.

In addition, I look forward to hearing from you your plans for improving U.S. policy balance between defense, diplomacy, and development, something called for in legislation that I led in the Senate with Ranking Member Risch, the Trans-Sahara Counterterrorism Partnership Program Act of 2021.

And with that—and welcome to your respective families, because as Senator Peters said in his introduction of Ambassador Brink this is a commitment by families and sacrifice by them as well, and

we appreciate their willingness to sacrifice as well on behalf of the nation.

Let me turn to Senator Risch for his opening statement.

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

Senator RISCH. Thank you, Mr. Chairman, and thank you to all three of you and your families for your willingness to serve. It is a sacrifice—we know that—and the American people appreciate it.

In this time of war and turmoil, the U.S. has not had a confirmed ambassador on the ground in Ukraine for nearly three years. I wish it could have been sooner and we would be further along, but it is what it is and I am glad we were able to quickly bring Ambassador Brink before us for a hearing today.

Ambassador Brink, if you are confirmed, this job will not be an easy one. I think that comes as no surprise to you. You will be responsible for moving the embassy back into our facilities in Kyiv, helping to shepherd U.S. military, financial, and humanitarian aid in the right places, and the war—and when the war is over, and it will be, assisting Ukraine in rebuilding its country.

There will be a lot of scrutiny from Washington on all of this. Assuming you are confirmed, and I assume you will be, I would urge you to take a proactive role in pressing Ukraine to remain true to its reform path and not allow the fog of war that has happened to derail that.

I expect you to be a strong advocate for whatever military assistance Ukraine needs in order to win, and we all have an expectation that you will remain in close contact with this committee. We need it. The advice of people on the ground is vital to shaping decisions in Washington and we need to hear from you as we continue to support Ukraine in its fight against the Russian invasion.

Turning to Ambassador Richard and your nomination for Counterterrorism Coordinator, while we shattered the Islamic State's grip on Iraq and Syria, problems remain.

Just this morning, the Chairman and I were briefed in depth on the thousands of foreign terrorists that are languishing, sometimes in makeshift prisons, in Syria. This is a really serious problem. It is an unreported problem but it is an enormous problem.

While a handful of our partners have repatriated their foreign fighters to face justice, others have not. I welcome your thoughts on the resolution of this very significant problem, that ensuring that these fighters do not pose a threat to U.S. interests.

Finally, I am happy to see—regarding Chad, I am happy to see an ambassador with a range of experiences working in Africa as the nominee for ambassador has.

Your record is outstanding, really. You have got a difficult road ahead of you, of course. U.S. relations with Chad are complicated by our security partnership, notably, to counter the terrorist threats in the Sahel and Lake Chad Basin, and Chad's notoriously undemocratic domestic politics.

This is made more challenging by the coup that occurred following the battlefield death of the authoritarian president, Idriss Deby, in April of 2021.

The dissolution of parliament and other institutions and the installation of his son as head of the Transitional Military Council all cause serious issues.

It is a critical time for the U.S. relationship with Chad and it is equally critical we have a confirmed U.S. Ambassador on the ground. I look forward to hearing what you have to say in regards to the challenges you face.

With that, thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Risch.

We will start off with you, Ambassador Brink. We would ask you each to summarize your statements in about five minutes or so so we could have an opportunity to have a conversation with you.

Your full statements will all be included in the record, without objection.

And, Ambassador Brink, you are recognized.

STATEMENT OF HON. BRIDGET A. BRINK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, NOMINATED TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO UKRAINE

Ambassador BRINK. Thank you, Chairman Menendez, Ranking Member Risch, and distinguished members of the committee for this opportunity to appear before you today.

I am honored to be President Biden's nominee for the position of Ambassador to Ukraine. I am grateful for the trust and confidence the President and the Secretary have placed in me. If confirmed, I commit to work with you to advance U.S. interests in Ukraine.

I am a career Foreign Service Officer with 25 years of experience. My career focus has been supporting the freedom and independence of the countries of Europe and greater Europe. I view this work to which I have dedicated my professional life as fundamental to our own security.

Our collective effort has created more stable and capable allies and partners, opened markets to U.S. goods, and advanced strategic priorities which protect and defend the people of the United States.

I am deeply proud to have advanced the long-standing strategic goal of a Europe whole, free, and at peace over five U.S. administrations. I appreciate the leadership of this committee and our work to resolve conflicts in the Balkans, push back against Russian aggression in Eastern Europe and the Caucasus, and support reforms in young democracies on the edge of Europe.

I know America is its most powerful overseas when we have bipartisan support at home with regard to our core national interests. I appreciate this bipartisan support as we face the biggest threat to peace and security in Europe in decades.

If confirmed, I pledge to work with you to continue our commitment to a sovereign, democratic, and independent Ukraine, free to choose its own future.

To paraphrase the President, in this battle between democracy and autocracy, between freedom and repression, between a rules-based order and one governed by brute force, freedom must prevail. Ukraine must prevail.

If confirmed, my number-one priority would be to advance the United States' strategic interests which includes a democratic, sovereign, independent, and prosperous Ukraine. The courage and heroism of President Zelensky and the people of Ukraine has inspired us all.

If confirmed, I pledge to work with Congress to help Ukraine succeed on the battlefield and at the negotiating table. We will ensure that Russia's effort to dominate Ukraine is a strategic failure.

I also commit to working with you to continue to provide humanitarian assistance, economic assistance, and to pursue accountability for war crimes in Ukraine. In supporting Ukraine, we are defending the principles of sovereignty and independence and the international rules-based order.

My second priority would be to help Ukraine rebuild. We support the decision of the people of Ukraine to integrate more closely with Europe and to undertake the serious and difficult internal reforms needed to achieve that goal.

It will require Ukraine to seize this historic opportunity with the eyes of the world upon it. A democratic, sovereign, and independent Ukraine is also in the interests of the United States.

Finally, I take as my most solemn responsibility the safety and security of the people of our embassy. While we will not be able to conduct diplomacy in a war zone without risk, I pledge to work with my leadership and our team to balance risk against our goals in a way that advances U.S. national interests in Ukraine.

Coming from Grand Rapids, Michigan, I entered public service with the values I learned from my family and community. I want to relay how proud I am to be a part of our career Foreign Service, underscore the vital role it plays in promoting U.S. interests and values, and pay tribute to the people and their families who sacrifice so much to serve our great country.

I want to salute the current charge d'affaires, Kristina Kvien, for her exceptional service, and the team of dedicated Americans and Ukrainians who make up the U.S. Embassy in Kyiv. If confirmed, it will be an honor of a lifetime to join this team and lead our collective effort there.

I want to conclude by recognizing those who have made it possible for me to be here today. First, I want to thank my husband and fellow Foreign Service Officer, Nicholas Higgins, who is here today, for his love and support for over 29 years.

We are so proud of our children, also here, Jack and Cole. As part of a diplomatic family that has moved every few years for their entire lives, I want to thank them for their own service to our country.

I would also like to thank my mother, Gwen Brink, father and stepmother John and Judy Brink; sister Joanna Brink; nephews Andrew and Andre Brink; Aunt and Uncle Mary and Patrick Sayne; my in-laws, Adrienne and Kingsley Foster, and all of my brothers- and sisters-in-law for being bedrocks of support every step of the way.

Mr. Chairman, Ranking Member, and members of this committee, thank you again for the opportunity to appear before you today. I welcome your questions.

[The prepared statement of Ambassador Brink follows:]

PREPARED STATEMENT OF HON. BRIDGET A. BRINK

Thank you, Chairman Menendez, Ranking Member Risch, and distinguished members of this committee for the opportunity to appear before you today. I am honored to be President Biden's nominee for the position of Ambassador to Ukraine. I am grateful for the trust and confidence the President and Secretary Blinken have placed in me. If confirmed, I commit to work with you to advance U.S. interests in Ukraine.

I am a career Foreign Service officer with 25 years of experience. My career focus has been supporting the freedom and independence of the countries of Europe and greater Europe. I view this work to which I have dedicated my professional life as fundamental to our own security. Our collective effort has created more stable and capable allies and partners, opened markets for U.S. goods, and advanced strategic priorities which protect and defend the people of the United States.

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If confirmed, my number one priority would be to advance the United States' strategic interests, which includes a democratic, sovereign, independent, and prosperous Ukraine. The courage and heroism of President Zelenskyy and the people of Ukraine has inspired us all. If confirmed, I pledge to work with Congress to help Ukraine succeed on the battlefield and at the negotiating table. We will ensure that Russia's effort to dominate Ukraine is a strategic failure. I also commit to working with you to continue to provide humanitarian assistance and to pursue accountability for war crimes. In supporting Ukraine, we are defending the principles of sovereignty and independence and the international rules-based order.

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Mr. Chairman, Ranking Member, and members of the committee, thank you again for the opportunity to appear before you today. I welcome your questions.

The CHAIRMAN. Thank you very much.

Ambassador Richard?

STATEMENT OF HON. ELIZABETH H. RICHARD OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, NOMINATED TO BE COORDINATOR FOR COUNTERTERRORISM, WITH THE RANK AND STATUS OF AMBASSADOR AT LARGE

Ambassador RICHARD. Thank you, Chairman Menendez and Ranking Member Risch, and distinguished members of the committee. It is an honor to appear before you today as President Biden's nominee to be Coordinator for Counterterrorism at the State Department. I am deeply grateful to the President and the Secretary for their support and confidence.

Over the course of my 36 years as a Foreign Service Officer, I have had the privilege of serving in some of our most challenging posts, including Lebanon, Yemen, Pakistan, and Afghanistan.

During that time, I have taken part in robust efforts by the U.S. and our partners and allies to confront the challenges to our security from terrorist groups in these regions and beyond.

We have prevented another terrorist attack on the homeland and greatly weakened ISIS and al-Qaeda, though both groups continue to try to expand their geographic reach, creating new challenges.

Terrorist groups threatening the United States and our partners today are more geographically diverse, more ideologically diverse, and more technologically adept than ever before. We must remain vigilant in addressing this complex and dynamic terrorist landscape.

Iran, the world's largest state sponsor of terrorism, and its proxies continue their destabilizing behavior in the Middle East and beyond. I have seen firsthand the results of Iran's malign influence and I fully understand the need to keep the pressure on.

If confirmed, I will continue to work with our partners to do just that.

Terrorist groups in Africa, exploiting poor governance and economic despair, are growing more destructive by the day.

Groups like Boko Haram, Al Shabaab, and, increasingly, ISIS thrive in this environment and they threaten our interests in the region. If confirmed, I will work to increase international attention to these areas.

There is also a rising danger from racially or ethnically motivated violent extremists, which FBI Director Wray elevated in 2020 to a threat on par with ISIS and al-Qaeda.

In addition to the increasing organizational decentralization of these groups, challenges to detecting and disrupting terrorist attacks include the exploitation of social media to radicalize and recruit, the use of commercially available encrypted communications, the deployment of commercially available drones, and the employment of sophisticated financial schemes.

The State Department plays an integral role in the overall U.S. Government counterterrorism effort by fostering international consensus as well as by helping build the capacity of partners and allies.

U.S. counterterrorism efforts are shifting from a U.S.-led partner enabled approach that relies heavily on military power to one in

which our partners have to have the will and capability to lead in addressing threats on their own soil.

If confirmed, I will prioritize efforts to reduce the continuing threat that ISIS poses around the world. Under U.S. leadership, the 84-member Global Coalition to Defeat ISIS has made major strides against the group in Iraq and Syria. It is now also focused on addressing ISIS threats in Africa and emanating from Afghanistan.

As part of that effort, I would prioritize the following: repatriating foreign terrorist fighters and their families from Syria to their countries of origin; strengthening the detention facilities in which they are now housed; and improving conditions in displaced persons camps in Syria to prevent them from becoming incubators for the next generation of ISIS fighters.

While countering terrorism is vital to U.S. national security, there are many other priorities and finite resources. While it is critical that the United States maintains its leadership role in international counterterrorism efforts, our partners should also shoulder a greater share of the burden.

Finally, I commit to working with you to ensure that the Congress is regularly informed and consulted on all our counterterrorism efforts.

With that, Chairman Menendez, Ranking Member Risch, I really appreciate your consideration today and I thank you for the opportunity to appear before you, and look forward to your questions.

[The prepared statement of Ambassador Richard follows:]

PREPARED STATEMENT OF HON. ELIZABETH H. RICHARD

Thank you, Chairman Menendez, Ranking Member Risch, and distinguished members of the committee. It is an honor to appear before you today as President Biden's nominee to be Coordinator for Counterterrorism at the Department of State. I am deeply grateful to President Biden and Secretary Blinken for their support and confidence in me.

Over the course of my 36 years as a Foreign Service Officer, I have had the privilege of serving in some of our most challenging posts, including Lebanon, Yemen, Pakistan, and Afghanistan. During that time, I have taken part in robust efforts by the U.S. and our partners and allies to confront the challenges to our stability and security from terrorist groups in these regions and beyond. We have prevented another terrorist attack on the homeland and greatly weakened ISIS and al-Qa'ida, though both groups continue to work to expand their geographic footprint, creating new challenges.

Terrorist groups threatening the United States and our partners today are more geographically dispersed, more ideologically diverse, and more technologically adept than ever before. We must remain vigilant in addressing this dynamic and complex terrorist landscape.

Iran—the world's largest state sponsor of terrorism—and its proxies continue their destabilizing behavior in the Middle East and beyond. I have seen, first-hand, the results of Iran's malign influence and use of proxies and fully understand the need to keep the pressure on and, if confirmed, I will continue to work with our partners, to do the same.

Terrorist groups in Africa exploiting poor governance and economic despair are growing more destructive by the day. Groups like Boko Haram, al-Shabaab and Jama'at Nusratul Islam wal Muslimin (JNIM), and increasingly ISIS, thrive in this environment and threaten our interests in the region. If confirmed, I will work to increase international attention to this region. There is also a rising danger from racially or ethnically motivated violent extremists, which FBI Director Wray elevated in 2020 to a threat on par with ISIS and al-Qa'ida.

In addition to the increasing organizational decentralization of these groups, challenges to detecting and disrupting terrorist attacks include the exploitation of social media to radicalize and recruit, use of commercially available encrypted communica-

tions, deployment of commercially available drones, and employment of sophisticated financial schemes.

The State Department plays an integral role in the U.S. Government's counterterrorism efforts by fostering international agreement on the need to confront these terrorist groups as well as by helping build the counterterrorism capacity of our partners.

U.S. counterterrorism efforts are shifting from a U.S.-led, partner-enabled approach that relies heavily on military power to one in which our partners have the will and capability to lead in addressing terrorist threats on their soil. As U.S. efforts become more focused on building partner capacity, the Counterterrorism Bureau's work will be vital.

If confirmed, I will prioritize efforts to reduce the continuing threat that ISIS poses around the world. Under U.S. leadership, the 84-member Global Coalition to Defeat ISIS has made major strides against the terrorist group in Iraq and Syria and is now also focused on addressing ISIS threats in Africa and emanating from Afghanistan.

As part of that effort, I will prioritize repatriating foreign terrorist fighters and their family members from Syria to their countries of origin, strengthening the detention facilities in which they are now housed and improving conditions in displaced persons camps in Syria to prevent them from becoming incubators for the next generation of ISIS fighters.

While countering terrorism is vital to U.S. national security interests, there are many other priorities and finite resources. While it is critical that the United States maintains its leadership role in international counterterrorism efforts, our partners should shoulder a greater share of the burden.

If confirmed, I will work both bilaterally and multilaterally to spur all those threatened by terrorism to do more to address these threats. I will also work to ensure that our foreign assistance resources are spent wisely on programs that help partners develop the capability to secure their borders, investigate and disrupt terrorist plots, track terrorist financing, bring terrorists to justice, prevent and counter violent extremism, and rehabilitate and reintegrate former terrorists.

I will also promote a counterterrorism approach that upholds the rule of law and respect for human rights. Finally, I commit to working with you to ensure that Congress is regularly informed and consulted on counterterrorism efforts.

With that, Chairman Menendez, Ranking Member Risch, I appreciate your consideration and thank you for the opportunity to appear before you today. I look forward to your questions.

The CHAIRMAN. Thank you. A career foreign service officer who does not use all five minutes, that is extraordinary.

Ambassador Laskaris?

STATEMENT OF HON. ALEXANDER MARK LASKARIS OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, NOMINATED TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHAD

Ambassador LASKARIS. Thank you, Mr. Chairman, Ranking Member. It is a deep honor to appear before the Senate Foreign Relations Committee for the second time in my career.

I am deeply grateful to President Biden and Secretary Blinken for their support and, if confirmed, for the opportunity to continue my 31-year career in the Foreign Service in the Republic of Chad.

To an Africanist, the word Chad conjures up memories of great kingdoms rooted in storied civilizations going back more than a thousand years in recorded history. Today's Chad is a rich mosaic of peoples, cultures, languages, and religions encompassing the worlds of the desert, the savanna, and the forest in an area three times the size of California.

A rich past notwithstanding, however, today's Chad is also one of the poorest countries in the world, ranking 187th out of 189 countries in the U.N.'s Human Development Index.

It has some of the highest rates of maternal and infant mortality in the world and some of the lowest incomes, life expectancies, and literacy rates. It is within both our interests as a nation and our values as a people that we work to address these conditions.

There are security issues that require our attention, but they should never divert us from the fundamental development challenges that call for greater action and which, I believe, define our work in Chad and will define my work in Chad, if confirmed.

We have been partners with Chad since its earliest days as an independent republic and we helped defend its national sovereignty and territorial integrity against armed Libyan irredentism in the 1980s.

Perhaps this memory of an attempt by Colonel Qaddafi to forcibly seize the northern third of its territory contributed to Chad's strong and welcome denunciation of the Russian invasion of Ukraine.

Two battalions of Chadian peacekeepers have long served in the U.N. Mission in Mali, and Chadian soldiers have joined the regional and international coalitions against violent extremist organizations in the Sahel and the Lake Chad Basin.

U.S. military personnel have always been welcome in Chad, and today some 75 American service members deploy to N'Djamena where they support the Multinational Joint Task Force in the Lake Chad Basin and support our French and African partners in the Greater Sahel.

Chad and its people have also been superb hosts to refugees from Sudan, the Central African Republic, and Cameroon. The people have welcomed their brothers and sisters fleeing violence, and the Government has ensured that humanitarian assistance from the international community, led by the United States, has reached its intended beneficiaries.

Mr. Chairman, Chad gained its independence in 1960 and has had six presidents in the last 62 years. None of the incumbents left power voluntarily and none of the successors assumed power via constitutional processes.

In its modern history, Chad has been governed by and for narrow regional and ethno linguistic interests. It has also been governed more by the force of arms than by the force of law.

Following the death of President Idriss Deby in April of 2021 and under Chad's constitution, the president of the National Assembly should have assumed the powers of the presidency on an interim basis and led the country quickly to new elections.

But he refused and that did not happen. Instead of the process laid out in the constitution, Chad has a Transitional Military Council led by one of the late president's sons that has pledged a national dialogue leading to new elections.

After the death of President Deby, the United States called for a peaceful, timely, and civilian-led transition of power to a democratically-elected government. The predialogue negotiations underway in Qatar are a critical step.

If confirmed, I will continue to work with the African Union and our international partners and Chadians of goodwill to support an inclusive, peaceful, and timely transition to a democratic and civilian-led government.

The goal and the hope that we share with the people of Chad is the first democratic transfer of power in the country's history, one that empowers a new government to tackle the profound development challenges it will face on inauguration day.

Unique in Chad's history, Transitional Military Council President Mahamat Deby has said publicly that he has no intention of running in the ensuing elections, the timing of which depends on a successful national dialogue.

Effective elections alone will not guarantee the success of the transition but is an important signal to the people of Chad and to Chad's international partners that political power must be contested at the ballot box and not on the battlefield.

As I begin to formulate my own thinking on how I will advance U.S. interests in Chad, if confirmed, I go back to my two wonderful years on the faculty of the National War College, where we teach our students to formulate strategy by defining their ends, ways, and means.

Our end state in Chad must be a stable country at peace with itself and able to contribute to peace building in the region. Our ways consist of our portfolio of assistance and engagement programs and those of our interagency and international partners.

Our means are the hard work under challenging conditions of our small embassy and the generosity of the American people acting through their elected, executive, and legislative branches.

Thank you again, Mr. Chairman and Ranking Member, and I am happy to answer any questions either now or for the record.

[The prepared statement of Ambassador Laskaris follows:]

PREPARED STATEMENT OF HON. ALEXANDER MARK LASKARIS

Thank you, Mr. Chairman, Ranking Member. It is an honor to appear before the Senate Foreign Relations Committee for a second time.

I am deeply grateful to President Biden and Secretary Blinken for their support, and—if confirmed—for the opportunity to continue my 31 year-career as a foreign service officer.

To an Africanist, the word "Chad" conjures up memories of great kingdoms rooted in storied civilizations dating back to some 1,000 years of recorded history. Today's Chad is a rich mosaic of peoples, cultures, languages, and religions encompassing the worlds of the desert, the savannah, and the forest in an area three times the size of California.

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After President Deby's death, the United States called for a peaceful, timely, and civilian-led transition of power to a democratically elected government. The pre-dialogue negotiations underway in Doha are a critical step.

If confirmed, I will continue to work with the African Union and our international partners to support an inclusive, peaceful, and timely transition to a democratic and civilian-led government. The goal—and the hope—that we share with the people of Chad is the first democratic transfer of power in the country's history, one that empowers a new government to tackle the profound development challenges it will face on inauguration day.

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Our end state in Chad must be a stable country at peace with itself and able to contribute to peacebuilding in the region. Our ways consist of a small embassy; our portfolio of assistance and engagement programs; and our interagency and international partners. Our means are the hard work under challenging conditions of some 600 American and Chadian staff, including just 36 U.S. direct hires, and the generosity of the American people acting through their elected executive and legislative branches.

Thank you again, Mr. Chairman and Ranking Member, and I am happy to answer any questions, either now or for the record.

The CHAIRMAN. All right. Thank you as well.

We will start a round of questions. Let me start with questions on behalf of the committee as a whole, and these really go to the nature of what we expect on responsiveness by officials in the executive branch and that we expect and will be seeking from you. A simple yes or no would be responsive to the question.

Do you agree to appear before this committee and make officials from your office available to the committee and designated staff when invited?

[All witnesses answer in the affirmative.]

The CHAIRMAN. Do you commit to keeping the committee fully and currently informed about the activities under your portfolio?

[All witnesses answer in the affirmative.]

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

[All witnesses answer in the affirmative.]

The CHAIRMAN. And, lastly, do you commit to promptly responding to requests for briefings and information requested by the committee and its designated staff?

[All witnesses answer in the affirmative.]

The CHAIRMAN. Okay. The record will know that all of the nominees responded yes to all of the questions posed. The Chair will recognize himself to start off with.

Over the weekend, Chargé d'Affaires Kristina Kvien took a small team to our embassy in Kyiv. Can you give us a sense, Ambassador, of how you envision, upon confirmation, bringing back our diplomatic presence in Ukraine?

Ambassador BRINK. Yes, Senator. Thank you for the question. I think it is a really important one. I was delighted myself to see Charge Kvien in Kyiv on Sunday.

I think it is really important for us to be there in person and present. She is there now, and I know she is laying the groundwork to return our embassy operations in coordination also with Congress and the steps that need to be taken.

We will have to look at the security situation. But I have great confidence in our security experts, including those on the ground, to give us advice that allows us to continue to advance our strategic interests, which means being present to work with the Ukrainians, work with other embassies, and also coordinate back with Washington from Kyiv.

I do not know exactly how fast we will be able to do this process. But I know we are trying to do it as fast as possible and it is, certainly, my hope and plan, if confirmed, to be able to start my mission in Kyiv.

The CHAIRMAN. Yeah. And would it be fair to say that however physical form it might take that your goal is to have robust engagement with the Ukrainian Government?

Ambassador BRINK. Yes, absolutely.

The CHAIRMAN. Along with the overwhelming majority of my colleagues who are working hard to support the Administration's latest requests for more assistance to Ukraine, it is absolutely critical that we work with our partners to provide Ukraine the military assistance it needs to defend against brazen Russian aggression while also ensuring delivery of critical humanitarian relief for Ukrainians, their neighbors, who have welcomed refugees with open arms, and address the global implications for food security and energy security.

Let me ask you, will you commit to the committee that upon your confirmation you will work with the Ukrainian Government to, ultimately, ensure that we have the information and accelerate the delivery of lethal assistance for Ukraine?

Ambassador BRINK. Yes, absolutely.

The CHAIRMAN. And can you also work with us? We are very much expeditiously doing everything we can to promote this assistance to Ukraine but we are talking about billions of dollars, how

they are going—making sure they are truly needed where they are going, how they are being used.

In this regard, can I get your commitment to frequently consult with me and our committee staff on our oversight efforts with respect to security assistance, with respect to humanitarian assistance, as we move forward?

Ambassador BRINK. Yes, Senator. Absolutely.

The CHAIRMAN. And then I know that we are in the midst of the war but I also think—thinking about the future, hopefully, the not too distant future about reconstruction in Ukraine helps light the way so that there is light at the end of a very long, harrowing period of time.

Do you see part of your role as thinking about working with the Ukrainians about what reconstruction and rebuilding looks like?

Ambassador BRINK. Yes, absolutely.

The CHAIRMAN. Okay. We look forward to working with you on all of those elements.

Let me turn to Ambassador Richard. Senator Risch alluded to it. We heard from the king of Jordan today in a meeting we had with him about these ISIS fighter camps in Syria 70,000, 75,000 strong.

Sounds like it is a great breeding ground for the next generation of ISIS fighters. What is your thinking about how we deal with that challenge?

Ambassador RICHARD. Yes, sir. I agree. It is a serious, serious problem and it is fundamentally unsustainable, and we saw this with the attack in Hasakah just a couple of months ago.

We have worked up till now, as far as I understand, with partners and allies, trying to get countries to take some of these people back. I think it is, clearly, not enough and we need to redouble our efforts and really insist because keeping them here in this limbo is a total incubator for more terrorism.

Also, on the issue of the humanitarian camps where families are, the conditions are horrific and also potentially a breeding ground for more terrorism.

The CHAIRMAN. Let me ask you, the 21st century challenges of where the battles are, including in the context of terrorism, are, in one dimension, cybersecurity. What do you see as the current and prospective role of the bureau with respect to addressing international cybersecurity terrorism?

Ambassador RICHARD. I think you are absolutely right that one of the big challenges for us on—especially on terrorism in the future is this information domain. It is cyber, it is encrypted communications, and it is social media.

I am very, very happy to see that the State Department has created, finally, a bureau to deal with cyber issues and information, and I hope that CT, if I were to be confirmed, would be part of a very robust interagency coordination on these issues because every agency in the Government, really, is focusing on this now.

The CHAIRMAN. All right.

Senator Risch?

Senator RISCH. Thank you, Mr. Chairman.

Ambassador Brink, have you spoken with the Chargé since they have been back in Kyiv?

Ambassador BRINK. I have not spoken but I have communicated with her.

Senator RISCH. What did she tell you about the status of our infrastructure there?

Ambassador BRINK. I only saw one message that she had sent back, which just said it was jarring how close the Russians came to Kyiv.

Senator RISCH. The suggestion was that our infrastructure is sufficient to reopen. Is that what you are gathering over this?

Ambassador BRINK. I did not see details on that and I would not necessarily at this point be involved in that. But I did see a couple pictures which showed there was some damage to the outside of our embassy building.

Senator RISCH. Significant damage or superficial or what?

Ambassador BRINK. I could not tell. It looked superficial. But I do not have information on more than that.

Senator RISCH. Do you—we tried to bring the Secretary of State down the other day when he was here. Do you have any expectation of a time frame when you think you might be able to get back?

Ambassador BRINK. Sir, I can say, if confirmed, as soon as possible.

Senator RISCH. That is what we got out of the Secretary of State. Not very helpful. I get that, though. The security issue has got to be resolved and at least deeply assessed before that happens. I get that.

How would you compare the challenges that you are going to face there to the other postings that you have had? You have had considerable experience in this regard. How would you compare this, if you are able to?

Ambassador BRINK. Sir, if I just might say on your last question, I know that the team that is there on the ground right now is actively doing everything possible to return embassy operations as soon as possible. I expect that they will be able to do that very soon.

Senator RISCH. And I am told—there is other countries that are up and operating there already, I am told. Is that correct? Is that your understanding?

Ambassador BRINK. I understand that, too.

Senator RISCH. We sure do not want to be last to the party so we need to move along as best we can. But back to the question that I asked, how would you assess the challenges you are going to face here to some of the other postings that you have had? You have, certainly, had a lot of experience in this area.

Ambassador BRINK. Sir, I would assess the challenge to be enormous. But I would also assess that, from what I have seen, one of the most remarkable things about this effort is the President's, the Secretary's, and others bringing together this remarkable coalition to push back against Russia's war of choice in a way I do not think I have ever seen in my 25 years in the service.

I feel that we have the commitment and the motivation and the drive, and with your support and with your funding and congressional support and the support of almost all of the world, I think we can face this very enormous challenge.

But I do not underestimate how much challenge the ambassador on the ground will have. But I also believe I have an excellent team of people working across the entire administration who are fully committed to succeeding in our goal, which is to help Ukraine defend itself.

Senator RISCH. Thank you.

Ambassador Richard, I share the same concerns that the Chairman has regarding what we heard today about these thousands of people that are in prison camps. I do not know how you are going to address that.

One of the suggestions was, of course, getting them repatriated. I am not sure that that resolves the problem. I mean, simply being repatriated to where they came from does not seem to me—it sounds like you are just letting them out of prison. And what are your thoughts on that?

Ambassador RICHARD. Thank you, sir. Repatriation, for me, is a shorthand for repatriation, reintegration, if possible, or incarceration. What I think some of the countries of origin do not want to deal with is that exact problem.

The best outcome, if we have evidence that people are fighters, is for a legal process that keeps them in jail and that is going to be difficult to do. But it is what we have to press for because the current situation is unsustainable and just sending them somewhere and letting them go is also not a solution.

Senator RISCH. There is no question about that and it is, certainly, an unreported problem. There are not people talking about this. I have no doubt you will resolve it once you get confirmed.

Thank you.

Ambassador RICHARD. Yes, sir.

Senator RISCH. Ambassador Laskaris, the Military Council promised an 18-month election after they took power, and 12 of those 18 months are already gone. What is your assessment as to whether they make the 18-month deadline to hold an election?

Ambassador LASKARIS. Thank you. Thank you, sir. As I mentioned in my statement, there have been predialogue negotiations going on in Qatar. It looks like that is going to slip to the right.

I think one of the key determinations I will have to make, if confirmed, when I arrive at post is the quality of process such that a delay is understandable if not acceptable.

If it is not, then I think we have to work with our partners to push the process back into the right direction. But to answer your question, I think 18 months probably will slip.

Senator RISCH. Yeah. I cannot see how—where the 12 months have gone by with little progress it seems to me that there is no question that it is going to slip.

I would hope, and I know you will, urge them to move this along as rapidly as possible because, as we know, the people in power are just going to drag their feet, hoping to be able to stay in power.

Good luck at that, and I thank all of you again for your service. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Murphy?

Senator MURPHY. Thank you very much, Mr. Chairman. Let me reiterate the Chairman's thanks to you and your families for your

willingness to serve some of the most important posts that currently exist in the Foreign Service.

Ambassador Brink, I wanted to draw upon your experience working in Slovakia. Slovakia is presently one of the countries that is raising some of the most vocal objections to the EU's plans to wean itself off of Russian oil and the reason is pretty evident. This is a country that is almost wholly dependent on Russian energy.

I want to make sure that as a committee we see the full picture of how you defend Ukraine. Certainly at the top of the list is sending the weapons they need to fight this fight and win it.

But in order to keep Europe united, in order to press against the revenue sources that Russia uses to perpetuate this war, we have to be in the business of helping countries like Slovakia become energy independent.

And so I wondered if you just might share with us a few of your thoughts, given your broad experience in a country that has remained dependent, as to the focus we should have not just on the war in Ukraine but also in this project to try to dry up Russia's revenue source in Europe.

Ambassador BRINK. Thank you so much, Senator Murphy.

I am so proud to be the President's representative in Slovakia at this time, a country of 5 million people on the frontlines right now of Russia's war of choice in Ukraine, and you are correct that there is debate—an active debate—within the Government of Slovakia about how to become less dependent on Russia.

But I would say and what I know is that the political leadership has decided across the board in government that Slovakia must become less dependent on Russia and it is a question of how to do it in a way that causes the least pain to the population.

Slovakia is nearly 100 percent dependent on Russia for all of its energy—for nuclear, for oil, and for gas. It is a big challenge. There are U.S. companies trying to help Slovakia reduce this burden and we ourselves have been raising this for quite a long time.

You, Senator Shaheen, and others, I know, have long expressed interest in trying to do this, I, myself, as a policy priority, and it is now that we have this opportunity.

Supporting countries like Slovakia, I think, is critical. I would just say a couple other things. Slovakia has received over 400,000 refugees from Ukraine, which is about 7 percent of the population, and as the First Lady saw just on Sunday when she was there, the Slovaks have opened their arms, their hearts, and their homes to these refugees in a way that is really remarkable.

Refugees can come to Slovakia for a year and they get full benefits from the Government—educational benefits. They are able to work. They are able to live in Slovakia.

And also I just want to highlight that Slovakia has been an enormous outsized donor of security assistance and I am really proud to have been part of this effort on the U.S. side with the Secretary of Defense and others and, ultimately, our President to provide Slovakia the backfill so that Slovakia could provide S–300 anti-air systems.

In a nutshell, Senator, it is really important to keep supporting the frontline states and they need help in various ways. But states like Slovakia have really stepped up, in my opinion.

Senator MURPHY. Ambassador Richard, good to see you again. Thank you for your tremendous service in Lebanon. Thanks for welcoming me and a delegation there recently.

I wanted to ask you a question about a January directive from Secretary Austin to strengthen efforts to prevent civilian deaths and improve the way the DOD investigates claims of civilian harm in U.S. combat operations, and this is specifically relevant to drone strikes.

You have served in Yemen. You know the reports of pretty significant civilian casualties of our drone operations. You have also probably seen research suggesting that in areas where we have had the highest level of drone activity often terrorist groups have the highest level of recruitment success.

Just want your commitment that you are going to work with the Department of Defense to ensure that we minimize civilian harm and also in a very short amount of time get your takeaways as to the upside and downside of our drone activities as a mechanism to combat terrorism.

Ambassador RICHARD. Thank you for that question and it is, as you know, an obviously very complex and fraught issue.

I have worked with my DOD colleagues very closely in every assignment I have been in since—in the last 15 years and I have seen firsthand how hard this is because there is the need to deal with an imminent threat, often against our own troops or our own American citizens, and the need to balance the civilian casualties, and I really welcome DOD's ability to look at this, accept that there is a problem, and really going after trying to figure out how to do it better.

And so if I am confirmed I would really welcome working with them from the civilian side of the house on how to do that.

The CHAIRMAN. Thank you.

Senator Portman is next.

Senator PORTMAN. Thank you, Mr. Chairman, and I appreciate your having this hearing today on some really critical nominations, particularly the nominee for Ukraine.

I have been pushing for us to get an ambassador nominated for a long time now at the end of the last administration and into this administration, and I think it is absolutely crucial that we get someone there.

I am glad the Administration has nominated someone and I am glad they chose a career ambassador who has experience in the area both in Eastern Europe generally and specifically in Ukraine.

This nomination of Ambassador Brink is really critical. We have got to move her quickly. I know the Chairman and Ranking Member agree with that. I appreciate your moving her so quickly to a hearing.

Over the weekend, the President announced that we have withdrawn another $150 million from the presidential drawdown authority, which means there is probably less than $100 million left, and here we are in Congress not yet acting on this supplemental request.

Literally, munitions, in addition, of course, to new weapons are potentially going to be stalled. It is critical that we act and act quickly so we do not have a gap in these munitions and deliveries

right now, which is a crucial time, obviously, in what is going on in the eastern and southern part of Ukraine.

I just wonder, Ambassador Brink, if you could talk a little about that. Why is it so important that we get this legislation passed quickly? What would it mean if we did not?

Ambassador BRINK. Thank you, Senator Portman.

I just wanted to start by thanking you and also Senator Murphy for your support of the Global Engagement Center in Disinformation. I know that has been a big effort of yours and it is really important for Ukraine but also for Slovakia and all these other countries that face this huge challenge.

Senator PORTMAN. You answered my second question already.

[Laughter.]

Senator PORTMAN. I am going to get back to that a little bit. Thank you.

Ambassador BRINK. Okay. It is incredibly important that the supplemental move fast. I do not know the latest, perhaps, but I understand it is moving.

But what we are trying to do as an administration is move security items as fast as possible to Ukraine. While we have already provided some $3.8 billion worth of security assistance, the needs are large. We are working closely with allies and partners on those needs and with the Ukrainians, obviously, and also with you and your staffs.

But it is really important that we are able to continue that. I think most people assess that these next few weeks and maybe longer are critical to the ultimate result of this war of choice.

Senator PORTMAN. Yeah. Let me ask a little about how you intend to conduct yourself as ambassador. I have gotten the pleasure of working with a few ambassadors when we had a nominated and confirmed ambassador, and different styles a little bit—Geoffrey Pyatt and Marie Yovanovitch.

Do you know Lieutenant General Terry Wolff, who is the Ukraine security coordinator?

Ambassador BRINK. I do not, but I will look forward to meeting him.

Senator PORTMAN. Would you intend to work closely with him?

Ambassador BRINK. Of course. Yes.

Senator PORTMAN. I think that is important that you view this role not just as a diplomatic role but, really, as a way to deal with the pressing issue of their defense of their country and with things being on the line currently. I think General Wolff is going to need your help, and vice versa.

Do you know General Dayton?

Ambassador BRINK. No, I do not know General Dayton.

Senator PORTMAN. He was the coordinator previously for the training efforts and also someone who I hope you will get to know and work with because I think that is an important part of your function, should you be confirmed, which I believe you will be, hopefully quickly.

What do you think they currently need militarily that they are not getting?

Ambassador BRINK. I think the needs are evolving. I would need to come back to on what the precise needs are at this moment. But I know they are changing.

What they needed to defend Kyiv is different than what they need now to try to defend the east and the south. I think it is an evolving situation and we need to work closely with the Ukrainians on this.

I can say, having served in the Balkans in many of the places where these protracted conflicts are around the region, that it is my great pleasure to work with our military and I feel I have long worked well and closely with them and would see us as absolute partners in this effort.

Senator PORTMAN. Excellent. There is also, obviously, a humanitarian crisis and an economic crisis for the country right now so all these issues are important. But I do think that you will be the voice of our country over there and critically you have engaged in all those issues.

On the Global Engagement Center we did talk about that last week. I appreciate your saying that you have seen the GEC work in Slovakia. We are outgunned here, just as Ukrainians are outgunned by a much larger Russian force and more weapons. With regard to disinformation, Russia, China, other countries are engaged deeply in this and spend billions of dollars on it.

Can you tell us what the Global Engagement Center can do better to counter Russia's efforts to justify its invasion and trying to delegitimize the Ukrainian Government?

Ambassador BRINK. Sir, thank you. Again, I think we can just do more—more, more, more is what I would want because you are absolutely right. I agree with you. We are outgunned. We are outresourced. We are outmaneuvered. We have to do as much as we can.

It is a challenge. Disinformation is something that is pervasive in Europe and elsewhere and so we have to do as much as we can. We have to be creative and innovative and something—sometimes bureaucracies are not. But that is what we need to do to deal with this. It is a very big threat to us and our way of life.

Senator PORTMAN. Thank you, Madam Ambassador. Thank you, Chairman.

The CHAIRMAN. Thank you.

Senator Van Hollen, I had told Senator Coons—I did not see you sitting there—that he could go next because he has an engagement. Would you yield to him?

Senator VAN HOLLEN. Absolutely.

Thank you. Senator Coons?

Senator COONS. Thank you, Mr. Chairman.

The CHAIRMAN. And I will let Senator Murphy preside as I go vote.

Senator COONS. And thank you to my colleague from Maryland.

Ambassadors, wonderful to see you. Thank you for your service to our nation. I am looking forward to seeing you confirmed in the various places where you will serve that are all important areas of engagement.

If I might, Ambassador Brink, we are finalizing what I hope will be a $40 billion emergency supplemental package for Ukraine that will include military, economic, and humanitarian assistance.

I am particularly focused on the humanitarian assistance because I am the chair of the State and Foreign Operations Subcommittee. Ukraine is, was, and should be, again, the breadbasket of Eastern Europe rather than a country now known to have thousands in bread lines.

What do you think will be the biggest challenges, moving forward, in terms of providing humanitarian assistance to the people of Ukraine?

And I am particularly concerned about the ongoing blockade of the port of Odessa. My sense of the future for Ukraine is that we will genuinely struggle to have a vibrant Ukraine without a vibrant economy, and a vibrant economy will not happen until the 98 percent of Ukrainian grain exports that went out of the port of Odessa before the conflict are able to, once again, transit freely and then be that great source of revenue that they have been in the past.

I would be interested in your thoughts about how we get assistance into Ukraine during this war and how we get Ukrainian food and oil and other critical products out of the port of Odessa.

Ambassador BRINK. Thank you, Senator. This is an excellent question. In addition to the some 5 million refugees in surrounding states of Ukraine, there are approximately 7.7 million IDPs within Ukraine. A huge humanitarian crisis is happening right now.

We have had some luck, as I understand, in—and some success and a lot of success, I think, in working with our international organizations that we fund, and they are implementing partners that are also working in Ukraine to move humanitarian assistance into Ukraine.

I think the last tranche is something like $565 million in humanitarian assistance. It is not easy. This is wartime environment. I would guess it can happen in the same as it would in any other environment. But these are also professionals and experts in such situations and we are relying very heavily on them to get humanitarian assistance where it is intended to go.

On the question of moving things out of the ports, this is a big challenge right now because Russia is blocking the ports that—in the Black Sea and the Sea of Azov.

We are trying to work with international partners and others to help find alternative routes for grain and corn out of Ukraine as well as to work with the other relief organizations to supplement those countries that had depended upon these exports.

It is an enormous challenge. I think the benefit we have, as I mentioned before, is President Biden's and this administration's success in galvanizing a coalition of like-minded people who together condemned this war of choice and are ready to work together and that is exactly what I will, if confirmed, be glad to jump in and help do.

Senator COONS. Thank you. I look forward to your swift confirmation as well as your colleagues'.

If I might, Ambassador Richard, briefly, I am very concerned about the Sahel, about the instability in Mali and in other countries in the region and the ongoing actions of the Wagner Group

and the ways in which they have really destabilized several nations—a recent coup d'etat in both Mali and Burkina.

Senator Graham and I worked on getting the Global Fragility Act signed into law and it had overwhelming bipartisan support. Mozambique and coastal West Africa have been targeted as areas for this strategy to try and strengthen them as bulwarks against terrorism and instability.

If confirmed, would you work with me and others in this committee on the Global Fragility Act and ensure that it is actually used as a tool?

Ambassador RICHARD. Yes, Senator, I absolutely would and I really think the Global Fragility Act is a very creative and interesting new approach to some of the problems we have been struggling with, especially in Africa.

Senator COONS. Thank you.

And if I might, Ambassador Laskaris, I have visited Chad once and am watching some of the developments there with grave concern.

How has this unconstitutional transfer of power following Idriss Deby's death affected our security cooperation and how do you think we might be able to more successfully influence movement towards genuinely free and fair elections in October of this year?

Ambassador LASKARIS. Thank you, Senator, and you were in the chair 10 years ago when I appeared before this committee as the nominee for Guinea so I deeply appreciate your presence and your enduring interest in Africa.

I think we need to work with our African Union partners, our international partners, to continue to apply pressure on all the Chadian parties to advance this transitional process towards the free and fair elections, and I think one of the critical tasks will be to break the monopoly of the armed groups on seats at the table.

The more seats we have at the table for unarmed political parties, for civil society, for women's groups, the better the outcome will be. I think it is time, after 62 years of having Chad ruled by the gun, to have it ruled by unarmed democratically-elected political actors.

Our security assistance right now is, largely, suspended because of the aftermath of the death of President Deby. Our assistance—our security assistance focuses on a couple things.

One is the Chadian deployments to the multinational stabilization mission in Mali where the two battalions have performed reasonably well. It also helps the Multinational Joint Task Force in the Lake Chad Basin in the foreign nation fight against Boko Haram in the Islamic State of West Africa.

I think our challenge is to get the political transition back on track to improve governance, and the Global Fragility Act, as well as the Trans-Sahelian Partnership Act, focus on governance and the lack thereof as the driver of conflict in the region.

Once we—if and when we can take care of the governance challenges, I think the security assistance should follow.

Senator COONS. Thank you. Thank you all very much, and I would like to thank my colleague, again, from Maryland for his graciousness.

Senator VAN HOLLEN. Thank you. Thank you to the senator from Delaware. I am not sure I would have had you jump the line if I knew you are going to take my last question.

But anyway, with all seriousness, Ambassador Laskaris, I thank you for that answer with respect to the situation in Chad. Congratulations to all of you on your nominations.

And with respect to the situation in Ukraine, Ambassador Brink, first of all, thank you for your service in Slovakia and let me just say I look forward to working with you, when confirmed, and I expect that will happen, on all the issues that unite us in our fight to defeat Putin and make sure that we stand with the people of Ukraine.

Ambassador Richard, I thought I would continue the conversation with respect to ISIS and I wanted to start with the situation in northeast Syria because while we have, of course, made great progress over the years in the fight against ISIS, we continue to see active cells and my question is what do we need to be doing right now in working with our Syrian Kurdish allies, in particular, to prevent the resurgence of ISIS in the region?

Ambassador RICHARD. I think—and I am going to caveat this that I have been out of the active duty part of the State Department for two years now, but as I look at it, certainly, reading open source, it is clear that they are holding that area pretty well.

They are preventing ISIS from starting a new caliphate and then going out from there. But, again, it is not a stable situation and so I, honestly, do not know what the answer is and I look forward to consulting, if I am confirmed, with our Middle East colleagues to say what manner of Syria issues, counterterrorism issues, military issues, Iraq, and that whole area, can we better work on to break out of the kind of stasis that we are in now.

Senator VAN HOLLEN. I appreciate that. I know in your opening statement you mentioned the issue of these camps—some camps with ISIS fighters, some camps with family members—and this is a problem we have all identified.

But as you probably know, nobody has come up with a good solution. A number of us were just meeting with King Abdullah from Jordan and, again, thanking Jordan for taking in many Syrian refugees. He raised this issue, as many of us did.

But and I do not expect you to come in right now with a clear answer. But this is something that we have been talking about for a long time. I do not know if you have any thoughts to share now as to the best way to tackle it. But I would be interested if you have some preliminary ideas.

Ambassador RICHARD. I join you in saying this is a huge problem, and I have a little bit of experience from Lebanon where we had Palestinian refugee camps that had been there for 30 years. The longer it goes unresolved, the harder it is to resolve.

And so I would really—I think one thing I might bring, if I were to be confirmed, is maybe a little fresh energy to the problem because the counterterrorism bureau at State, as other offices, has been without a permanent leadership for a while now, and that might be the first thing I would be able to bring to the party.

Senator VAN HOLLEN. I think, and I am hoping—and I understand there is some consideration of providing some additional U.S.

resources within our umbrella of Syrian assistance, assistance to the Syrian people in the northeastern part of Syria. I hope that is the case and look forward to working with you on that.

Turning to Afghanistan, as you indicated, you also have an ISIS presence. We now have the situation where the Taliban has control—in control—but they are fighting ISIS. What is your assessment of where ISIS stands and its strength in Afghanistan today?

Ambassador RICHARD. Again, I do not have visibility on much of the hard intelligence and information, but it is very distressing to see them—this Khorasan group having been able to establish a presence and then execute attacks recently both in Afghanistan and in Pakistan.

Clearly, the Taliban assurances that they were going to take care of this problem of safe havens in Afghanistan have not been met.

That is one part of it, and I know our special representative is working on that issue. But, clearly, I think we have an opportunity to pay a little more attention to that now before it metastasizes any further and gets out of hand.

Senator VAN HOLLEN. And what is your assessment—just to pick up a little on Senator Coons' questions in the Sahel, what is your assessment right now of ISIS' growth in Africa?

Ambassador RICHARD. I think and I—again, I defer to my Africa colleagues and I am looking forward to learning a little more about that region—what I see is ISIS affiliates, people inspired by ISIS, associating themselves with ISIS rather than a hard command and control—you go here and you go there—and that is a lot harder to fight and it is a lot harder to see sometimes, and poor governance and economic despair in the region is a big cause of this.

I would look forward, if I am confirmed, to working with Africa Bureau to understand the underlying dynamics so, again, we might get ahead of this.

Senator VAN HOLLEN. I appreciate it. As you well know, the conversation in the foreign policy community has swung from counterterrorism to so-called great power competition, and I understand that, appreciate it, and agree that we did not focus enough on that.

But I do not want to swing back entirely in the other direction and see ISIS and other terrorist organizations use this opportunity while everybody is focused on other parts of the world to regain their strength.

I look forward to working with you and all of you when confirmed.

Ambassador RICHARD. Thank you.

Senator VAN HOLLEN. I guess I am—oh, Senator Murphy?

Senator MURPHY [presiding]. I am going to fill the gap before Senator Menendez gets back and maybe ask one additional question awaiting Senator Menendez's return from the floor and that is to you, Ambassador Richard, again, drawing back on your experience in Lebanon.

No two terrorist organizations are the same, right. Al-Qaeda is a very different animal than Hezbollah. Al-Qaeda, generally, operates in the shadows whereas in Lebanon Hezbollah operates out in the open. They are a political force.

They run human services operations and it means that, whether we like it or not, when it comes to a more socially embedded group

like Hezbollah, you have to meet them where they are, right. You have to have an answer for the services that they are providing.

I think since you have left there has been a debate about energy security in Lebanon. Hezbollah is showing up with shipments of oil from Iran and we are busy at work trying to find an alternative.

But this is sort of the corollary to the question about the drone strikes, right. There is an element of combating terrorist organizations that involves killing terrorists.

There is also an element of fighting terrorist organizations that acknowledges that they often provide human services that you have to create, that you have to be able to supply as a government—as an ally of a government—in order to make people less reliant on those terrorist organizations.

Just asking you to draw upon your experience dealing with Hezbollah in Lebanon.

Ambassador RICHARD. Thank you for the question. Thank you for your interest, by the way, in Lebanon and all your support for the time I was there until now.

I think the hardest—what you just put your finger on is the hardest thing, and what happens with terrorist groups, in my experience, is they fill vacuums, and if—the quickest and easiest vacuum to fill is security. People turn up and they have weapons and they calm the people down and say, do not worry—we will take care of security.

When these groups move into that next level of services and jobs and benefits, it is much, much harder to combat them and what needs to happen in Lebanon is a functioning government that can execute those same services in a noncorrupt and fair way is the solution to Hezbollah having filled that gap already.

Senator MURPHY. I was just—I was asking an extra question just to fill the gap before you got back. But I think Senator Hagerty is next.

The CHAIRMAN [presiding]. Okay. Very good. Well, I did not know where the flow was going at this point. But I am glad that you did that.

Senator Hagerty?

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

I would like to turn my remarks to Ambassador Brink.

Ambassador, I am pleased to see you before the committee today. I am looking forward to meeting with you tomorrow and I am pleased that you have finally been nominated.

You are going into a very critical zone. You are going into a position I wish you had been nominated for some time ago, well before Russia's unprovoked invasion of Ukraine.

I want to let you know that I am very supportive of seeing our diplomatic presence back in Ukraine. My colleague, Senator Cardin, and I both signed a letter to Secretary Blinken underscoring our support for that just in the past several days and I am pleased to see things moving as they are at this point.

But I would just like to take this opportunity to say the following. Having a Senate-confirmed chief of mission in place is absolutely critical to our ability to execute our foreign policy.

This is a matter of priorities. I, myself, have gone through the same process that you are going through. I was actually put

through 30 hours of cloture to get through this process. Yet, I was able to get confirmed and into my position within a couple of months of getting through the OGE process. I was at my post the summer of 2017.

It is taking far too long to get our diplomats at post, and I just want to underscore the priority that I see here and underscore for the department and for this administration that I hope that they will begin to accelerate the process very soon of getting our nominees in front of us.

Thank you very much again. I look forward to seeing you tomorrow.

Thank you, Mr. Chairman.

The CHAIRMAN. I understand that Senator Booker is with us virtually. Senator Booker?

Senator BOOKER. Senator Menendez, thank you very much. I just want to ask two quick questions, if I may. The first is to Ms. Brink.

I am really grateful that you are before us, and I know that the port of Odessa was already brought up and some of the issues going on there. I am very, very concerned about global food insecurity and the crisis that we see globally with one of the points in the U.S., excuse me, world history where we have the most food insecure people, and this has been aggravated by COVID–19 and been aggravated by other global shocks to our supply chain, and I know that from Yemen to Afghanistan to the Horn of Africa we have a lot of challenges.

I am hopeful, with the current negotiations, it looks like we might be able to get about $5 billion from the United States into the World Food Programme or other efforts to meet some of this crisis.

But I just want to ask you, from your own opinion, given what is going on in Ukraine and the shocks to their ability to provide food as they do for many places around the world, especially those that are facing food insecurity, I just think that it is really important more than ever for the United States to be stepping up to this crisis.

And I am wondering if you are concerned that this global food crisis, similar to food crises in the past, could—if we do not address it could lead to social unrest, lots of conflict, potentially stressing governments, creating more mass migration, only to make the overall security crisis in Europe even greater.

Ambassador BRINK. Senator, first of all, thank you so much for your question. It is an excellent question.

I have to say I am married to a Foreign Service officer with USAID so I am by interest but by marriage and long discussion very interested in all of the humanitarian aspects of this particular conflict.

I think what you say is exactly right. I think it shows why this is a global conflict, why this is one that is in the interests of the United States to do everything we can to help Ukraine defend itself and then to rebuild, and I can tell you with regard to the food insecurity issue it is one of the big issues that I will be looking at and doing everything I can to assist with.

I know we have a new envoy in the State Department who is also seized with this and we will be working and are working to-

gether with the U.N., with USAID, with other organizations to do everything we can to alleviate some of the second order consequences of Russia's war of choice.

Senator BOOKER. Thank you very much. And then my last question to Laskaris, going back to Africa and some of the challenges there, one of which has just been the remarkable level of coups that we are seeing in Africa.

Since 2020 in Mali, there have been six attempted military coups, as I am sure you are aware of, five of which have been successful with the latest in—we have seen a coup in Burkina Faso this past January, and it is frustrating.

I was in Burkina Faso myself with—a few years back. But seeing these military coups spreading around the region is really challenging, and so the—we know that the folks are calling this an epidemic of coups. But on top of this, we have a lot of military—excuse me, democratic backsliding in general in Africa beyond the even coups itself. We have seen this backsliding in Uganda and in Ethiopia.

And so I appreciate the important security role that Chad plays in the region and the moves by the TMC to open the political space. But at the same time, it is important to ensure the full transition to a civilian-led democratic system.

This is not just essential in terms of sending a message to any other regimes about our continued support for democracy and our concerns about democratic backsliding but it is also critical, I think, for sustainable long-term stability in that region.

What is the State Department doing and could be doing more so to encourage and assist Chad with such a transition?

Ambassador LASKARIS. Thank you, Senator. I agree with you wholeheartedly. I would also point out that military rule has, generally, been catastrophic for Africa.

When people support coups, the body of evidence suggest that these are governance catastrophes that impoverish countries further and also bring human rights and humanitarian catastrophes on them. For that reason alone, we should be pushing back as hard as possible.

In the case of Chad, there is a democratic backsliding because, frankly, there really has not been any democratic front sliding since Chad's independence. Chad has been ruled by the gun since independence. It has been ruled by people who took power generally by force so I think it is time to break that paradigm.

I think it is time to put seats around the table for the unarmed political actors and to prioritize them. I do not think we can do this from the outside. I do not think we can impose this on Chad but we can listen to the overwhelming majority of Chadians of goodwill, particularly, the young people who do not have the memories of the older generations, who are calling for it.

I think we need to empower to the best extent possible the unarmed political class including civil society in modern Chad, which I think is a bright spot in the political prospects of this country.

The CHAIRMAN. Thank you.

Senator BOOKER. Thank you. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Markey?

Senator MARKEY. Thank you. Thank you, Mr. Chairman, very much. Thank you, Ms. Brink, for your long career, and I think you are much needed and are going to do a great job in Ukraine.

Could I just talk a little bit, if I could, about the ban on oil imports for the EU from Russia and the role that Hungary is playing? You are an expert on Slovakia, other countries.

Could you talk a little bit in general about the consensus that exists right now except for Hungary and what, from your perspective, the incentives could be to have Hungary join into this?

They have already been offered a two-year extension in terms of their ability to comply with the oil ban. Do you have any insights in terms of what could be done in order to ensure that Hungary join so that this new regime goes into place as quickly as possible?

Ambassador BRINK. Thank you very much, Senator, and thank you for our conversation earlier.

As I am not the accredited diplomat to Hungary, I do not have direct knowledge. What I understand with regard to the EU and all of the EU member states is that there is a strong willingness or an interest to move this issue very quickly, and what I have seen from my position in Slovakia and, I believe, probably also applies to Hungary is that if there are ways to provide substitution with regard to any of the energy sources for European countries, ways where the U.S. can be helpful, that is extremely—an extremely helpful situation for them to be in.

Obviously, they have a challenge of their publics and rising prices on the energy side, and so any ways where we can help such as we have been—we are doing, which is increasing our LNG, and with regard to oil I would assume it is a similar situation, and we are also helping on nuclear fuel as well in Ukraine and also in other places.

Senator MARKEY. Yeah, and I appreciate that. But just, in general, I appreciate your expertise in this region, in general.

Prior to Russia's assault on Ukraine, at the top of the list of things that were holding Ukraine back was its endemic corruption from top to bottom. Ukraine was 122nd out of 180 countries on Transparency International's rankings in 2021. Russia was 136th.

And so what do you think the United States can do in this situation where we are going to be the principal assistance that is provided to Ukraine for the duration of this conflict in terms of encouraging transparency, encouraging a change in the culture in their country?

Ambassador BRINK. Yeah. Thank you, Senator, for this question. It is crucial.

For Ukraine to actually prevail in this situation, it is not only necessary for Ukraine to prevail in defending itself against the Russian attack but also to prevail in creating the kind of Ukraine that Ukrainians have been fighting for for years after the Orange Revolution, after the Revolution of Dignity, and that is for Ukraine that is free of corruption, that follows the rule of law, that allows for democratic rights.

That is one that is a—something that will be the biggest challenge, I think, next-step challenge for the Ukrainian Government, and I think what I really am grateful for—the congressional support and the appropriations to help us support Ukraine—I think

we must be mindful of that being such a challenge and we must offer assistance in ways that is going to help the Ukrainians meet that challenge.

Senator MARKEY. Yeah. My fear is that Ukraine is going to win the war and lose the peace.

Ambassador BRINK. Exactly.

Senator MARKEY. Their principal obstacle to accession to the EU has been their corruption top to bottom in their government, in their society. We want them to be admitted to the EU. We want them to be able to meet the transparency standards which the rest of the EU, in fact, does comply with.

I just think it is imperative for us to figure out how to square that circle, that there is two discussions going on at the same time, because as soon as this war is concluded we want them to be able to join the EU.

But we will not if they then revert to the very same pattern of behavior which they have had throughout modern times including, by the way, their total addiction to natural gas from Russia, which had them be one of the bottom five in terms of energy efficiency. They just got addicted to this old way, this—I will ultimately say, this corrupt way of operating.

Again, we are glad to have you there and I think that message—that is, we are going to assist them during the war, but they have to be prepared for the peace as well and their culture, their political system, has to change. And so we are just so glad to have you there. Thank you.

Ambassador BRINK. Thank you.

The CHAIRMAN. Thank you.

Senator Kaine?

Senator KAINE. Thank you, Mr. Chairman, and thank you to our witnesses. Congratulation for your nominations. Good to be with you today.

Ambassador Brink, I know you have been asked a number of questions about, should you be confirmed, assuming the role—a very important role—in a nation at war. I want to ask you—kind of drill down into that and ask you about a pretty specific one and that is morale issues.

You have been an ambassador. You know how important morale of both our own FSOs but also local staff is to the strong functioning of an embassy.

Should you be confirmed, how will you address sort of morale and stress issues for the U.S. and local staff in Lviv and Kyiv?

Ambassador BRINK. Thank you, Senator.

I think it is very important that we reestablish our embassy mission and that will be a very important first step, not only because it sends the right signal to Ukrainians and to our own staff, because it is necessary for us to be there on the ground, and I think that will help.

I can tell you that paying attention and understanding that our mission is made up of Americans and local staff and local staff being the backbone of every single embassy around the world—we cannot function without them—is really important for any chief of mission.

And I think also rallying people around our goal and our goal is going to be to—and is to help Ukraine defend itself and to use every bit of experience and effort and support we can garner to do that on the ground in Ukraine.

And then, of course, we need to take care of our staff and do everything we can to do so. I think it is an unprecedented situation that our embassy found itself. I have been a part of an embassy that had to close very early in my career and it is heartbreaking, and also to be a part of a wartime situation where people are—stay behind or are unable to accompany is also an unimaginably hard thing for those of us who do this work to go through.

I do not underestimate the challenge that our mission has faced. I salute our leadership there, Kristina Kvien, and also all of the embassy staff, and I can just say I will look forward very much to joining this team and helping every way I can in leading our effort there in the best way possible so that we can affirm and use all of the great resource we have to achieve our goals.

Senator KAINE. Thank you.

Ambassador Richard, the Department of State's Office of the Inspector General documented several key findings in its 2020 inspection of the CT Bureau, including nearly 20 of its 92 authorized civil service positions. About 22 percent were vacant at the time of the inspection.

The report also indicated the CT Bureau allowed nearly $52 million dollars in appropriated funds to expire and then cancel from fiscal year 2016 to 2019 an average of about $13 million a year, meaning that these funds went unused and they were returned to the Treasury Department due to bureau, quote, "weakness in funds control."

OIG also found that the CT Bureau regularly submitted congressionally mandated country reports on terrorism well beyond the required deadline of April 30 for the previous eight years. The most recent report, 2020, was submitted on December 2021.

What would you do, should you be confirmed, to fill positions, control use of funds and invest them wisely, and get the bureau in a place where they are submitting the required terrorism reports on a timely basis?

Ambassador RICHARD. Thank you for that question because it is oftentimes we do not pay enough attention to those very issues, which, as my colleague just said, sometimes are the backbone of your operation.

If I were to be confirmed—look, I spent three years in the Middle East Bureau creating and then directing the Office of Assistance to the Middle East and I really learned some valuable skills there in program management, in money management, in personnel management, especially in a bureau with a large civil service population.

And so I think I can bring some lessons learned from that experience to the CT Bureau and, hopefully, get them functioning at the high rate that I know that they can do.

I keep in mind that they have been without leadership for quite some time now and so many people are acting and filling two and three jobs at the same time, and I really hope to have the opportunity to get after that problem, too, because it is a great staff.

Senator KAINE. Thank you, Ambassador Richards. You are right to draw a line between vacancies and actings and then internal disorganization.

I mean, you just cannot operate at the efficiency and the—not just efficiency but the quality that you need to if there is too many vacancies or people are in positions and they are not sure that they are going to be able to continue in those positions.

Thank you for making the connection between some of the IG's assessments and the importance of getting people confirmed and in the positions.

Mr. Chair, I yield back.

The CHAIRMAN. Thank you.

Senator Shaheen?

Senator SHAHEEN. Thank you, Mr. Chairman, and thank you and congratulations to each of our nominees this afternoon.

I want to begin with you, Ambassador Brink, because as everyone has said, Ukraine is, of course, uppermost in our minds, and very much appreciate your willingness to be considered for this critical post at this time.

I also want to echo your opening thanks to Chargé d'Affaires Kristina Kvien for her continued service there. I know it has been a difficult time for everyone who has been part of our embassy.

As we look at the hundreds of thousands of refugees from Ukraine, obviously, the majority of them have been women and children, and I am particularly concerned about how we support the women and address potential trafficking issues.

And can you speak to that and to how we can ensure that the women and girls and the children who have fled the war in Ukraine do not become victims again because of sex trafficking?

Ambassador BRINK. Thanks a lot, Senator Shaheen.

At the beginning of the war I had the chance to go to the border between Ukraine and Slovakia and it struck me—the thing that struck me the very most was that everyone coming across the border was a woman or a child or even children on their own.

I can say that throughout my career the issue of trafficking in persons has been one of my personal priorities and I am very happy it is your priority and also one of the Congress', and every time I have served in a country I have focused in on helping to—helping each country become better able to stop trafficking and recognize trafficking.

And so I have worked very closely with our office of anti-trafficking coordinator—we call them J/TIP—and I will look forward to working with them in particular because Ukraine has long been a source country.

I know that the problem there—it is a big country and I know the problem there is also, potentially, quite large. It would be an area that I have a personal interest in and would want to work very closely with our authorities but then, of course, with the Ukrainians because the challenge with trafficking it is a whole-of-government effort. No one agency is able to do it on its own, and I completely agree it is an incredibly important issue and especially right now for people who are refugees already and other compounded things that they have to face.

Senator SHAHEEN. Thank you for that.

I had the opportunity to meet with some of the women parliamentarians from Ukraine who were here a month or so ago, and one of the things we talked about was women, peace, and security legislation that we have passed here in the United States, and they were very interested in that from Ukraine's perspective and then possibly doing something to partner around that legislation.

I would just ask you to put that on your list as we are thinking about what we might do together to address what is happening in the country.

Ambassador Richard, it is nice to see you again in a different capacity and I should thank you publicly for your help with us when we had a New Hampshire resident who was detained illegally in Lebanon, and very much appreciated your efforts.

And while, sadly, he is no longer with us, it was very important to get him out of the country and get him home. Thank you for that.

I wanted to ask you about the ISIS detainee coordinator because that is a role that was signed into law as part of the Robert Levinson Hostage Recovery and Hostage Taking Accountability Act.

The creation of this role was originally recommended by the Syria Study Group in response to what is happening in Syria, and I am sad to say that the situation in Syria has not gotten better with respect to ISIS detainees. It has gotten worse, and as I understand in your new role you would have that coordinator as part of your responsibility.

Can you talk a little bit about what you think the priority is there and what we can do to address what is becoming—has the potential to be a huge nightmare in the region as we look at what is happening in the detainee camps?

Ambassador RICHARD. Thank you very much for the kind words about Lebanon and it is a pleasure to see you, too, and may I also say here on the record that I have so valued the collaboration between yourself and us and the country team for many, many months and I have used that so many times with younger officers to say this is how it can work and how beautiful it is when we work together. Thank you for that.

On the foreign fighters issue, the foreign terrorist fighters issue is in my office and I have mentioned earlier in this hearing that it is really one of the top one or two issues on the plate because it is an inherently unstable situation that does get worse by the day, and it is a problem with fighters and it is also problem with the families who are—tens of thousands of them, many, many children as well, who are detained in situations that just cries out for recruitment by radicals. It is very unsustainable.

I think we have to bring new energy to that problem. If I understood you correctly, you are also talking about Syria and the issue of hostages. Am I right? Or you were talking about the foreign fighters?

Senator SHAHEEN. No, I was really talking about foreign fighters, the——

Ambassador RICHARD. Yeah. This is a key issue and I think we—all of us, including our partners in the international community, have gotten a little bit complacent because if it is not on fire we

are not paying attention to it. But we cannot be complacent anymore.

And so if I am confirmed this definitely will be one of my top agenda items.

Senator SHAHEEN. Thank you. I look forward to working with you. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Cardin is with us virtually.

Senator CARDIN. And let me thank all three of our nominees for their continued service to our country. I appreciate it very much.

Ambassador Brink, we had a chance to talk and I just really want to underscore a couple points. First, thank you for taking on this assignment. Obviously, it is so critically important at this moment for our presence in Ukraine, and has been mentioned, we look forward to you personally being in Kyiv and the reestablishment of our mission in embassy in Kyiv.

I want to go over two things that we talked about sort of to underscore the point. First, we need to have the capacity in country to help in regards to the information necessary to pursue war crimes or crimes against humanity or genocide against those responsible, and Mr. Putin and Russia, for what has happened in Ukraine.

Your work in the Balkans gives me great confidence that you understand the magnitude of the task in order to get evidence that can be used for accountability and you recognize also that the world is looking at what happens in regards to accountability for the atrocities in Ukraine.

Can you just talk a moment about how you see the U.S. role in assisting those that will be responsible for preserving the evidence and moving forward with accountability?

Ambassador BRINK. Thank you, Senator.

Justice and accountability for war crimes and atrocities is incredibly important to Ukraine and to us and to me personally, and as you mentioned, I had the chance when I served very early on in the Balkans to witness atrocities first hand and also was able to contribute to, ultimately, the justice to Radovan Karadzic and Ratko Mladic. It took 17 years and 26 years, but they are facing justice and I think that is really important.

The world has to know and those who commit these atrocities has to know that we will not stop. We will be relentless in our pursuit. We are using every tool at our disposal to support the documentation of atrocities and to enable their use in prosecutions.

So we are doing this in many different ways but including through support of the Prosecutor General's office, through support of the U.N. Council for Human Rights, and also through the OSCE Moscow mechanism.

We are also supporting the ICC in its efforts. We are going to use every tool at our disposal. I can tell you it will be a personal priority of mine as well.

Senator CARDIN. And I will be underscoring that tomorrow. There is a meeting of the OSCE Parliamentary Assembly dealing with——

[Technical issue.]

The CHAIRMAN. Senator Cardin, I do not know if you are still with us. We had a freeze for a moment. Modern marvels of technology have their limitations.

All right. We will try to contact his office and see if he still had some time and he may have one or two final questions.

In the interim, let me just go over a couple of final things.

Ambassador Richard——

Senator CARDIN [continuing]. The role of the country.

The CHAIRMAN. Are you back with us, Ben?

Senator CARDIN. I am sorry.

The CHAIRMAN. Okay.

Senator CARDIN. I was just urging the Ambassador to have capacity to deal with the democratic institutions within Ukraine as they rebuild, particularly in fighting the corruption that has been so prevalent in their country over such a period of time, just so we have the capacity to deal with that as we move forward.

Ambassador BRINK. Yes, Senator. I completely agree. Ensuring that Ukraine is able to seize this opportunity to rebuild and reform and take an opportunity that has been passed by previously is incredibly important if we are going to devote these resources and energy and U.S. taxpayer money, and thank you to the Congress for providing it.

We need to make sure that it is done in a way that helps to realize the aspirations of the Ukrainian people and also the values we share of an independent, democratic, prosperous, sovereign Ukraine.

Senator CARDIN. And let me just point out to Mr. Laskaris, we know that Chad has significant challenges in regards to institutions that protect the rights of its citizens. Yet, it has mineral wealth.

I will be asking you for the record your commitment as to how you are going to deal with those types of challenges in Chad.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Cardin. Let me close up here.

Ambassador Richard, at the end of the last year we passed legislation that I and Senator Risch sponsored, the Trans-Sahara Counterterrorism Partnership Program Act, which calls for the Administration to develop a counterterrorism strategy for the region.

Can we get your commitment to submit this strategy in a timely fashion if you are confirmed—upon your confirmation?

Ambassador RICHARD. Yes, absolutely.

The CHAIRMAN. Thank you. I have a series of letters in support of Ambassador Richard from colleagues and I ask unanimous consent to include them in the record. Without objection, so ordered.

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

The CHAIRMAN. And then, finally, Ambassador Laskaris, over the last 10 years U.S. security assistance to Chad significantly outpaced U.S. support for democracy and good governance and contributed, in my view, to the militarization of the former Deby regime.

Even after the 2021 coup the Administration continued to pursue a security assistance relationship with Chad. As I noted in a March

18th letter to Assistant Secretary of State for Africa, Molly Phee, I have serious concerns about this approach.

I believe there needs to be a comprehensive plan that includes robust support for good governance and strengthening institutions. Military juntas responsible for seizing power through unconstitutional means should not, in my view, benefit from U.S. security assistance.

This committee has jurisdiction over security assistance. I want to ask you do you believe that we should be advocating for a pause on security assistance until a new civilian-led elected government is in place?

Ambassador LASKARIS. Senator, I think that when it comes to the deployments of Chadian troops into Mali and to the peacekeeping operation there, which we fund through our peacekeeping support activities, I think that is a high enough priority that we should continue that, obviously, with great oversight to their conduct in the field.

I do think, however, that the security assistance that could be used to repress internal political dissent, I think, it is prudent to pause that pending the outcome of the dialogue and, hopefully, the transition to a democratically-elected government.

The CHAIRMAN. Let me ask you, do not we need to, going forward, ensure that our relationship with Chad better balances defense, diplomacy, and development? I think it is heavy on the security side and incredibly light on the other.

Are we willing to look away from the core? I mean, these are about continental messages and global messages as well, right? At what point are we willing to pursue such a road without thinking about the consequences of a government that is there by force and by coup, not by the electorate of—the will of the electorate?

Ambassador LASKARIS. Senator, thank you for the question.

By far, our largest line item assistance to Chad is humanitarian assistance, mainly, food assistance. That is running about $90 million a year. Our second largest form of assistance in the last year has been COVID, about $17 million dollars a year including half a million vaccine doses.

Our military assistance is actually a distant third in terms of the dollar value. But I agree with you that the narrative is out there that we have securitized the relationship and, if confirmed, one of things I have to do is make sure that the actual data of our assistance is out there.

At the same time, I do—with all respect, do think that our democracy and governance activities have been underfunded in Chad, particularly as this committee has made it clear that it values very much the movement towards democratic elections and the building of an unarmed political system.

If I think there is progress in the national dialogue, I expect my colleagues and I will come back and ask for an increase in our democracy and governance assistance programs in Chad.

The CHAIRMAN. Yeah. Security assistance may be third in those categories but one of the reasons we have as much humanitarian assistance is because of the instability that exists in the country and its governance in the country.

If the junta led by Deby fails to adhere to core transitional benchmarks articulated last year by the African Union, it will be my hope that you, as a sitting ambassador speaking to the department, will be looking at visa bans and Global Magnitsky sanctions where applicable because, at some point, we just cannot live on the aspiration that this is going to get better and we are going to continue to fuel these entities.

Ambassador LASKARIS. Yes, sir. I agree with you.

The CHAIRMAN. All right. This record will remain open to the close of business tomorrow for members' questions. I would urge the nominees to answer the questions as expeditiously as possible so we can consider your nomination at the next business meeting.

With the thanks of the committee for your willingness to serve, this hearing is adjourned.

[Whereupon, at 4:20 p.m., the hearing was adjourned.]

Additional Material Submitted for the Record

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. BRIDGET A. BRINK BY SENATOR ROBERT MENENDEZ

Question. I am very concerned about directed energy attacks on U.S. Government personnel (so-called Anomalous Health Incidents). Ensuring the safety and security of our personnel abroad falls largely on individual Chiefs of Mission and the response of officers at post. It is imperative that any individual who reports a suspected incident be responded to promptly, equitably, and compassionately.

- Do you agree these incidents must be taken seriously, and pose a threat to the health of U.S. personnel?

Answer. Yes. If confirmed, I will ensure that any individual who reports a suspected Anomalous Health Incident will be responded to promptly, equitably, and compassionately.

Question. I am very concerned about directed energy attacks on U.S. Government personnel (so-called Anomalous Health Incidents). Ensuring the safety and security of our personnel abroad falls largely on individual Chiefs of Mission and the response of officers at post. It is imperative that any individual who reports a suspected incident be responded to promptly, equitably, and compassionately.

- If confirmed, do you commit to ensuring that any reported incident is treated seriously and reported quickly through the appropriate channels, and that any affected individuals receive prompt access to medical care?

Answer. Yes. If confirmed, I commit to ensuring that any reported incident is treated seriously and reported quickly through the appropriate channels, and that any affected individuals will receive prompt access to medical care.

Question. I am very concerned about directed energy attacks on U.S. Government personnel (so-called Anomalous Health Incidents). Ensuring the safety and security of our personnel abroad falls largely on individual Chiefs of Mission and the response of officers at post. It is imperative that any individual who reports a suspected incident be responded to promptly, equitably, and compassionately.

- Do you commit to meeting with medical staff and the Regional Security Officer (RSO) at post to discuss any past reported incidents and ensure that all protocols are being followed?

Answer. Yes, I commit to meeting with medical staff and the RSO at post to discuss any past reported incidents and ensure that all protocols are being followed.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. BRIDGET A. BRINK BY SENATOR JAMES E. RISCH

Question. What are U.S. policy goals in Ukraine right now?

Answer. The United States aims to help Ukraine defend itself and then help Ukraine rebuild. If confirmed, I would uphold our commitment to a sovereign, independent, democratic, and prosperous Ukraine. I would continue the United States' goal of rallying the world to stand with Ukraine and ensuring that our NATO Alliance and global partners emerge stronger and more unified than before. The United States aims to end this war as swiftly as possible by imposing severe costs on Russia, strengthening Eastern Flank Allies, and providing security and other assistance to Ukraine.

Question. The majority of internally displaced people (IDPs) within Ukraine and refugees fleeing Ukraine are women and children. What steps will the U.S. Government take to ensure the protection of these vulnerable populations?

Answer. If confirmed, I will aim to accelerate the already strong support the United States is providing for internally displaced people and vulnerable groups. This includes over $1 billion in humanitarian assistance to refugees, the displaced, vulnerable populations, and communities in the region since Russia first invaded Ukraine eight years ago, including more than $688 million this year. Our assistance covers critical needs, such as safe drinking water, shelter, emergency health supplies, human trafficking prevention, support for victims of gender-based violence, and protection services to meet the needs of millions of people including vulnerable groups, as well as emergency food assistance. The United States plans to welcome up to 100,000 Ukrainian citizens and others fleeing Russia's aggression as part of these efforts, and if confirmed I pledge to support this program and others like it.

Question. As almost 6 million Ukrainians have become refugees, the U.N. and international community has had to set-up a response quickly to address the growing needs. How will you work with the U.N. and other donors on coordination for the humanitarian crisis?

Answer. If confirmed, I will continue work to coordinate our humanitarian response to Ukraine's refugee crisis. This could include but would not be limited to increasing our operational footprint in neighboring countries to better coordinate aid delivery and dissemination; working in partnership with host governments on cash programs providing refugees with temporary assistance for food, accommodations, and medical care, including support services for victims for gender-based violence; and deploying refugee coordinators to the region to work with governments, the U.N., and other humanitarian organizations.

Question. How will you work to ensure that the U.N. and host countries are properly counting and tracking refugees to ensure the proper delivery of humanitarian assistance?

Answer. The State Department regularly meets with UNHCR to discuss refugee operations, including data gathering. Given the ease of travel for Ukrainians in Europe, some figures represent an estimate. If confirmed, I will work with our Bureau of Population, Refugees, and Migration (PRM) teams, who rigorously monitor and evaluate humanitarian partners' delivery of assistance to refugees from Ukraine and engage host government counterparts to track their delivery of assistance and benefits. I understand host countries have a responsibility to accurately register refugees who have fled from Ukraine to prepare for their provision of services, as allowed under the European Union's Temporary Protection Directive, and that UNHCR makes every effort to ensure statistical information is verified and triangulated.

Question. What mechanisms have been established to limit fraud and diversion of assistance?

Answer. I believe maintaining the uninterrupted flow of security, economic, and humanitarian assistance to Ukraine is essential to make this war a strategic failure for Moscow and reduce the suffering of Ukrainian citizens. If confirmed, I look forward to ensuring this assistance meets these goals by working with our trusted network of partners and by utilizing existing procedures for both humanitarian and security sector assistance, to include vetting mechanisms. For economic support, I would continue working with partners and allies to ensure that assistance is deployed in a rapid, targeted, and secure manner. I would also support leveraging reputable international financial institutions to ensure oversight through their established audit procedures and mechanisms.

Question. Prior to the latest Russian invasion, in the State Department's Trafficking in Persons Report, the Government of Ukraine had been placed on Tier 2 for not fully meeting the minimum standards for the elimination of trafficking, but was attempting to make significant efforts to do so. How will you encourage the Government of Ukraine to continue its efforts to promote awareness of the potential for human trafficking?

Answer. Ukraine was ranked Tier 2 in the 2021 TIP Report. The Government of Ukraine is aware of the necessity of progress on trafficking, especially in a wartime context, and if confirmed I will continue to work with them to raise awareness, vigorously prosecute and sentence traffickers to significant prison terms, and increase protection efforts for trafficking victims. I would also work to ensure that anti-trafficking mechanisms are embedded in our humanitarian assistance programs.

Question. How will you assist in increasing the identification of trafficking victims?

Answer. I understand the refugees leaving Ukraine more recently have been doing so in much more difficult circumstances with greater needs. Human trafficking is an increasing threat and has been noted by many international organizations. If confirmed, I will work to ensure that the United States continues to urge host governments to integrate anti-trafficking measures into their emergency and humanitarian response mechanisms to prevent trafficking and protect any victims. Over 90 percent of the refugees are women and children, and our U.N. partners are pressing host governments to work together to address their protection needs. The U.S. Government also is funding international organizations and NGOs to identify trafficking victims.

Question. Anti-Trafficking work was integrated into the first batch of Ukrainian humanitarian assistance. Will you continue this effort to ensure that those fleeing to safety do not become victims of trafficking?

Answer. If confirmed, I would continue to ensure that anti-trafficking mechanisms are integrated into our humanitarian assistance. I would also encourage the Government of Ukraine and other donor countries and U.N. partners to implement similar safeguards to prevent human trafficking.

Question. If confirmed, what will be your top foreign assistance priorities over the next 6 months?

Answer. If confirmed, I will continue our robust support for Ukraine's defense, economy, government, and people. Over the next six months, I would continue prioritizing the continuity and functionality of the Ukrainian Government; food security and health services; essential needs of civilian security forces, including clearing landmines and ordnance; and support for human rights, including holding Russia accountable for its actions, including reports of conflict-related sexual violence. We will work with international partners to ensure Ukraine can meet essential budgetary expenses. Assistance related to the European Democratic Resilience Initiative (EDRI) will support pro-democracy activists, journalists, human rights defenders, and anti-corruption crusaders.

Question. If confirmed, what will be your top foreign assistance priorities over the next twelve months?

Answer. If confirmed, my priority will be helping Ukraine defend itself and then helping Ukraine rebuild. Assistance to Ukraine must continue to flow across all sectors—including security, economic, governance, and humanitarian assistance—even as needs may shift once Ukraine prevails. I would support independent media and counter-disinformation efforts, civil society, accountability, and peace and reconciliation efforts as well as continue help reestablish reliable essential services, including in the field of healthcare, education, and agricultural production. I would also help advance the initiatives of the European Democratic Resilience Initiative. Together, with the help of our Allies and partners, we will work with Ukraine to rebuild in a way that supports its aspirations for greater Euro-Atlantic and European integration.

Question. If confirmed, what will be your top foreign assistance priorities over the next two years?

Answer. U.S. assistance for Ukraine will continue to develop its economy, strengthen democratic governance and rule of law, counter corruption, promote stability and transparency, and fortify resilience to counter Russia's aggression. Funding will support energy and cyber security investments and technical assistance; efforts to counter disinformation; initiatives to hold perpetrators accountable for human rights abuses and potential war crimes and build a basis for peace and rec-

onciliation efforts; and contributions to reconstruction. Assistance will ensure the food security of Ukraine by rebuilding the agricultural sector following the conflict. The administration will work to ensure assistance is creating an inclusive economy built on a level playing field.

Question. If confirmed, what will be your top foreign assistance priorities over the next two years?

- Where does combatting corruption fit into those priorities?

Answer. If confirmed, I will work to make sure combatting corruption remains a critical component of our foreign assistance to Ukraine, which is also in line with the Administration's prioritization in countering corruption globally. Anti-democratic forces have weaponized corruption, misinformation, and disinformation to exploit perceived weaknesses and sow division within and among free nations, erode existing international rules, and promote alternative models of authoritarian governance. I believe we cannot afford to watch Ukraine prevail in this war, only to see it fail in its fight against corruption.

Question. If confirmed, will you commit to fostering an environment conducive to expeditionary diplomacy and development, whereby members of the U.S. country team are able to get out from behind Embassy walls and engage directly with interlocutors in the government, private sector, and civil society?

Answer. Yes. Getting beyond the Embassy walls and engaging directly with the government, private sector, and civil society is one of the principal reasons we need our country team diplomats in Kyiv.

Question. In the State Department's 2020 International Religious Freedom report, Ukraine has strong support for religious freedom. However, there are concerns about targeting of specific minority religions including Jews and Jehovah's witnesses. What is your assessment of religious freedom and societal/governmental respect for religious freedom in Ukraine?

Answer. I believe Ukraine has made great progress on religious freedom issues. A 2019 survey found Ukrainians had the lowest negative attitudes toward Jews of all the Eastern European countries polled, with 83 percent having favorable view toward Jews—an increase of 15 percentage points since 2009. Nevertheless, antisemitism exists in Ukraine, as it does is many countries, and if confirmed I pledge to continue Embassy engagement with Jewish leaders and other stakeholders on ways we can combat this scourge. I would also continue U.S. efforts to address ongoing abuses by Russia's proxies in the Donbas and by occupation authorities in Crimea, including the persecution of Crimean Tatars and Jehovah's Witnesses.

Question. In the State Department's 2020 International Religious Freedom report, Ukraine has strong support for religious freedom. However, there are concerns about targeting of specific minority religions including Jews and Jehovah's witnesses.

- If confirmed, how will you work with the Ukrainian Government on these issues?

Answer. If confirmed, I would work to reinforce the Government's work protecting religious freedom and religious minorities.

Question. If confirmed, do you commit to personally meeting with members of civil society to discuss the importance of religious freedom?

Answer. Yes. If confirmed, I would be pleased to meet regularly with members of Ukraine's robust civil society to discuss the importance of religious freedom.

Question. In the State Department's 2021 Human Rights Report, the Ukrainian Government was identified as not taking adequate steps to prosecute or punish most officials who committed abuses resulting in a climate of impunity. As the war in Ukraine continues, how will you work to ensure that those in the Ukrainian Government who commit human rights abuses will be identified, punished, and prosecuted?

Answer. If confirmed, I will commit to promoting accountability for those responsible for human rights abuses, through all mechanisms made available and in partnership with Ukraine's criminal justice institutions. The Government of Ukraine has focused closely on law enforcement reform since the 2014 Revolution of Dignity, and despite incidents of abuses, has made considerable progress, including holding accountable those responsible for human rights violations and abuses.

Question. Since the Russian invasion of Ukraine, international adoption from Ukraine has been paused. Numerous American families were in process or begin-

ning the process of adoption of Ukrainian orphans. What steps will you take to work with the Ukrainian Government to re-start international adoption processing in a safe manor?

Answer. If confirmed, I would work with the Ukrainian Government to safely re-start the intercountry adoption process, in a manner consistent with Ukrainian and U.S. law. The Ukrainian Government is justifiably concerned about the trafficking of children, and concerned that children who are not eligible for intercountry adoption could be separated from their families. The Ukrainian Government recently confirmed that courts in some parts of Ukraine have resumed judicial adoption hearings. As adoption decrees are issued, I will ensure we continue to complete visa processing as quickly as possible, so that children can go home with their parents.

Question. How will you work with Ukrainian officials to address the Ukrainian orphans who been have evacuated to Poland to continue their delayed adoptions?

Answer. If confirmed, I would work with the Ukrainian and Polish Governments to find solutions to any impediments for processing the adoptions for these children. There are multiple steps in the intercountry adoption process, and each provides critical safeguards for the children and families involved. While these steps must be completed in every case, I look forward to working with the Ukrainian and Polish Governments to identify ways to complete these pending adoption cases.

Question. Before the war, China was extremely interested in cultivating Ukraine as a partner. It was looking to bring Ukraine into the new Silk Road by investing in Ukraine's Black Sea ports, buying up key pieces of Ukraine's military industry like MotorSich, and installing Chinese-made technology and surveillance equipment in Ukraine's cities. If confirmed, how do you propose to work to keep China from making potentially harmful inroads into a country that will be desperate for any and all investors to help it rebuild?

Answer. The courage of the people of Ukraine and the stalwart support of the United States and our allies and partners has inspired people around the world striving for peace, democracy, human rights, and freedom. Meanwhile, the People's Republic of China has been absent in time of Ukraine's greatest need, providing diplomatic cover for Russia's brutal, unprovoked war and amplifying Russian disinformation related to Ukraine, the United States, and NATO. We will work with Ukraine to encourage a sustainable and transparent approach to reconstruction, built upon mutually beneficial relationships, trusted vendors, and national security.

Question. During the course of the Russia-Ukraine war, many Ukrainian officials have taken on a heroic air. And indeed, they have undertaken actions that are heroic. But before the war, many of these same officials were engaged in activities that were sometimes corrupt, sometimes unethical.

- If confirmed, what steps do you believe should be taken to prevent these officials from capitalizing on their newly-laundered reputations and returning quietly to their old ways?

Answer. We cannot afford to watch Ukraine prevail in this war only to see its democratic aspirations fall victim to corruption. If confirmed, I would work to strengthen independent anti-corruption authorities and institutions, and strongly push for needed judicial reforms to ensure that Ukraine continues the democratic and European trajectory its people are fighting to preserve.

Question. Much of the U.S. and allied assistance packages to Ukraine include financial assistance to fund governments and infrastructure operations. As Ambassador, how will you conduct oversight to ensure that both U.S. and allied assistance is used appropriately and not lost to corruption or misuse?

Answer. If confirmed, I will work to ensure that delivery of assistance meets strict oversight and accountability and anti-corruption measures by working with our trusted network of partners. In providing financial support, we are leveraging reputable international financial institutions to ensure oversight through established audit procedures, due diligence, and other mechanisms. I would continue work with our partners to ensure similar oversight mechanisms are in place to implement transparent infrastructure projects.

Question. What anti-corruption mechanisms remain intact and could be used to conduct oversight?

Answer. The anti-corruption mechanisms Ukraine formed with support from the United States and other partners, such as the National Anti-Corruption Bureau of Ukraine, the National Agency for the Prevention of Corruption, and the High Anti-Corruption Court, continue to function, as does Ukraine's vibrant civil society, which has played an instrumental role in publicizing corrupt acts. If confirmed, I will work

with Ukrainian institutions and civil society, and international partners (e.g., IMF, EU), to support the continuation and strengthening of anti-corruption reforms. As it has in the past, the United States can continue to use tools like Global Magnitsky sanctions and 7031(c) visa restrictions to help Ukraine hold corruption actors accountable.

Question. How can the U.S. help create new anti-corruption mechanisms to handle this challenge if needed?

Answer. Since Ukraine's 2014 Revolution of Dignity, the United States has worked closely with the Ukrainian Government and international partners to develop and strengthen anti-corruption laws and institutions, such as the National Anti-Corruption Bureau (NABU). If confirmed, I pledge to continue this work and identify new opportunities for reform, as needed, as part of our overall commitment to combatting corruption, preventing fragility, and promoting democracy and the rule of law in Ukraine.

Question. Many of the anti-corruption tools that the U.S. has worked with Ukraine to build have been taken offline because of the war. For example, the system through which Ukrainian public servants are required to annually report their holdings has been taken offline so Russia cannot use it to target certain people in occupied areas. How will you work with Ukraine to ensure that these tools are returned to service, while also safeguarding the personal information of Ukraine's Government employees from potential Russian actions?

Answer. If confirmed, I pledge to work with Ukraine to continue progress on anti-corruption reforms, including corporate governance and supervisory board autonomy, which have been critical goals of U.S. policy and assistance since 2014. These reforms are key to helping Ukraine achieve the Euro-Atlantic aspirations expressed during the Revolution of Dignity with regard to asset disclosure by public servants. I will endeavor to support anti-corruption actions which also safeguard personal information from misuse by Russia.

Question. Since Russia's invasion of Ukraine, political parties and media outlets supporting Russia and pro-Russian narratives have been banned in Ukraine. The transatlantic communities' tolerance of these actions contrasts the international disapproval of Ukraine's ban on ZIK, NewsOne, and 112 Ukraine in February 2021. Once Russia's war on Ukraine comes to an end, how should the U.S. approach these matters of free speech and expression as Ukraine transitions back into peacetime?

Answer. The United States remains a steadfast champion of media freedom. Ensuring freedom of expression will be critical for Ukraine as it pursues its democratic and Euro-Atlantic trajectory. It is important for the people of Ukraine to continue to have access to reliable information from multiple independent sources. As Ukraine continues to combat Russia's aggression, if confirmed I also pledge to continue our work in differentiating between defending media freedom and allowing revenues to flow to Russia-controlled disinformation outlets.

Question. Do you believe that the United States should resume training Ukrainian servicemen on equipment, tactics, and techniques inside of the borders of Ukraine? Why or why not?

Answer. The United States currently provides training outside Ukraine, as needed, depending on security conditions on the ground. Provided we can adequately train Ukrainians outside of Ukraine, I think it is preferable to inside, as the security situation in the country makes such training difficult.

Question. As Ambassador, what role would you play in in the transferal of military assistance to Ukraine?

Answer. If confirmed, I would ensure U.S. security assistance to Ukraine continues to support the President's policy of assisting Ukraine in its defense of its sovereignty, territorial integrity, and independence against Russia's ongoing aggression. I would ensure my team works expeditiously to help fulfill Ukraine's priority security assistance requests and continues to assist in the coordination of military aid deliveries, which are continuing daily and at an unprecedented speed. I would also ensure my team continues to mitigate the risk of misuse of U.S. security assistance, for example, through the adherence to laws governing vetting security forces receiving U.S. assistance and end-use monitoring.

Question. Due to logistical issues, much of the humanitarian assistance being sent to Ukraine has not reached the eastern and southern parts of the country where it is most needed. As Ambassador, what role would you play to improve the delivery of humanitarian assistance to Ukraine?

Answer. If confirmed, I would continue our calls to allow immediate, safe, and unhindered humanitarian access for humanitarian agencies and actors to continue their vital work across Ukraine. Since February 24, the United States has already provided more than $565 million in humanitarian assistance to support people inside Ukraine. I would continue our work with the Government of Ukraine and coordination with neighboring states, the United Nations, and other international organizations and NGOs assessing the evolving humanitarian needs of the people of Ukraine and liaising with partners to ensure that humanitarian assistance reaches the most vulnerable individuals.

Question. Mission Kyiv has been under enormous stress leading up to and following the Russian invasion. What is your understanding of morale throughout Mission Kyiv?

Answer. I want to salute the team of dedicated Americans and Ukrainians who make up the U.S. Embassy in Kyiv for their exceptional service in the buildup to and throughout Russia's brutal war. In my experience as a diplomat, closing an Embassy under the stress of war is heartbreaking—and has a negative impact on morale. If confirmed, I would try to build on the work of my predecessors to ensure that our people have all possible resources and focus on looking forward to our goals of helping Ukraine defend itself and helping Ukraine rebuild.

Question. How do you intend to improve morale at Mission Kyiv?

Answer. If confirmed, my first step would be to get on the ground to listen to the advice of the team in place and assess where I can be helpful. Early on, I would try to bring us all together in the vision and the goals we need to pursue to get there. I would then focus on rewarding effort and results and helping those who may need more resources or information. I have found that with clear consistent and fair leadership, morale rises. If confirmed, I would approach our goals with an understanding and empathy for the context of working in a war environment, both for our American and for our Ukrainian staff.

Question. How do you intend to create a unified mission and vision at Mission Kyiv?

Answer. If confirmed, I will bring together our sections and agencies on our overall mission—to help Ukraine defend itself—and agree on the goals we need to pursue to achieve the mission. I will work with my Deputy and Washington to ensure we have the resources and personnel necessary to advance our goal. Periodically, I will ask the DCM to assess progress and adjust our goals as needed. My approach is to tie these goals to awards and ensure they are embedded in performance appraisals to keep us unified in achieving them as a country team.

Question. On April 28, 2022, U.S. Embassy Kyiv announced the passing of one of its locally-employed staff, Volodymyr, who took leave from his role as a bodyguard to join the army. Are you aware of staffing issues that may hinder reopening Embassy Kyiv?

Answer. If confirmed, my top priority will be the safety and security of everyone in my Embassy. Safety concerns and the overall security environment in Ukraine continue to impact Mission Ukraine and will be our primary consideration for staffing the Embassy for the foreseeable future. I look forward to working with the exceptional American and Ukrainian staff members of Embassy Kyiv. I am humbled by the patriotism and sacrifice of Volodymyr Kapelka and join the Secretary in extending the United States' condolences to his family.

Question. If confirmed, what actions would you take to address staffing issues while remaining conscious of the desire for Ukrainians to defend their country?

Answer. If confirmed, I will offer maximum flexibility, as allowed by Department policy and local regulations, including for the many Ukrainian citizens who have taken up arms to defend their country. If we have gaps to fill, I will request additional support from the Department and fill those gaps.

Question. If confirmed, how would you support staff following the death of a staff member?

Answer. Sadly, Embassy Kyiv is already mourning the death of a local staff member killed defending his country from Russia's brutal war. I appreciate the outpouring of support for his family from the mission community and from the entire State Department, including Secretary Blinken. Offering compassion, support, and resources during such difficult times is a key function of the chief of mission and one I take extremely seriously.

Question. Management is a key responsibility for Chiefs of Mission. How would you describe your management style?

Answer. We work under the direction of the President and on behalf of the American people to advance the Administration's foreign policy goals. My leadership style is to bring the country team together on a vision—a Ukraine that is democratic, independent, sovereign, and prosperous—and come up with the goals we need to achieve to realize that vision. My management style is to delegate the strategy to achieve each goal to sections and agencies as overseen by the DCM and then come in with top level support and advocacy to help us advance them. This approach has helped us achieve a number of top foreign policy goals in Slovakia during my tenure and if confirmed, I would adapt it as needed to the context of Ukraine.

Question. Do you believe it is ever acceptable or constructive to berate subordinates, either in public or private?

Answer. No.

Question. How do you envision your leadership relationship with your Deputy Chief of Mission?

Answer. There is no more important relationship in the Embassy than that between the Ambassador and Deputy Chief of Mission. If confirmed, I will work to ensure that there is a strong and close leadership team that speaks with one voice to the country team and to DC while also encouraging the Deputy Chief of Mission to be frank and open with me, especially if he disagrees or thinks we are going in the wrong direction. I believe this relationship, especially in a conflict environment, must be one of trust and total confidence to ensure the effective operation of the Embassy.

Question. If confirmed, what leadership responsibilities do you intend to entrust to your Deputy Chief of Mission?

Answer. If confirmed, I would lead my Embassy as the policy vision and execution and ask my Deputy Chief of Mission to be my alter ego. I expect the Deputy Chief of Mission will be more focused on the internal management of the mission but, because of the magnitude of the job in Ukraine, I believe he will also need to be someone who can do the external work. I would see the Deputy Chief of Mission as my top advisor on all issues and ask him to take on some of the most sensitive and important tasks that cut across the mission such as ensuring appropriate oversight over the funds allocated by Congress to Ukraine.

Question. In order to create and continue employee excellence at the Department, accurate and direct employee evaluation reports (EERs) for foreign service officers are imperative, though often lacking. Do you believe that it is important to provide employees with accurate, constructive feedback on their performances in order to encourage improvement and reward those who most succeeded in their roles?

Answer. Yes. I believe it is important to provide employees with accurate, constructive feedback on their performance to encourage improvement and reward success.

Question. If confirmed, would you support and encourage clear, accurate, and direct feedback to employees in order to improve performance and reward high achievers?

Answer. Yes. I commit to supporting and encouraging clear, accurate, and direct feedback to employees to improve performance and reward high achievers.

Question. You mentioned during your hearing that you have seen photos of damage to the U.S. embassy in Kyiv that seems superficial. Have you received more detailed information regarding the state of the infrastructure in Kyiv since the hearing?

Answer. No, I have not received more detailed information regarding the state of the infrastructure in Kyiv since the hearing.

Question. If confirmed, what actions would you take to address infrastructure issues at Mission Kyiv?

Answer. If confirmed, I will do everything possible to ensure infrastructure issues receive immediate and appropriate attention and are addressed in a timely manner through appropriate channels.

Question. Several other countries already re-opened their embassies in Kyiv. What qualifications have prohibited the U.S. from re-opening our embassy?

Answer. The Department and the Administration are undertaking security assessments and working through the required congressional notifications process to safely reopen our Embassy in Kyiv as soon as possible.

Question. Does reopening our Embassy in Kyiv send a signal to the Ukrainian people? If so, what signal?

Answer. Yes, our physical presence in Kyiv sends a strong signal of solidarity with the Ukrainian Government and people and underscores the enduring U.S. commitment to Ukraine's success.

Question. Do you believe the Embassy should be reopened full-time, with a permanent presence?

Answer. Yes. I believe that if the security situation permits, we should continue to increase and make permanent our presence so we can effectively carry out the wide array of work needed to protect U.S. interests and help Ukraine prevail in this war.

Question. How would reopening the Embassy in Kyiv assist the State Department's activities in Ukraine?

Answer. Resuming Embassy Kyiv operations would help us work directly with the Government on requests, improve security, economic, and humanitarian assistance oversight, and provide a platform to conduct a number of services that advance our strategic goals.

Question. "Anomalous health incidents," commonly referred to as "Havana Syndrome," have been debilitating and sidelining U.S. diplomats around the world for years. They have caused serious, negative consequences for U.S. diplomacy, yet many believe that the Department is not doing enough to care for, protect, and communicate to its personnel. The past occurrences and ongoing threat of anomalous health incidents among embassy personnel and their families poses a serious challenge to morale. When personnel at post fear for their safety or doubt that their case will be taken seriously if they were affected, the performance of embassy operations can suffer.

• If confirmed, do you commit to taking this threat seriously?

Answer. Yes. If confirmed, I will take nothing more seriously than the health and safety of the people who work with me. I commit to making sure our staff is aware of the potential danger and the signs to recognize it, and to working with health and security officials as well as other parties as recommended.

Question. If confirmed, do you commit to talking as openly as you can to Mission Kyiv personnel?

Answer. Yes.

Question. Have you received a briefing on the anomalous health incidents that have occurred to U.S. Government personnel around the world, including at U.S. embassies and other diplomatic posts?

Answer. Yes.

Question. If you have not, and if you are confirmed, do you commit to receiving a briefing on the incidents before you depart for your post?

Answer. I have received the briefing although will ask for an update as it relates to Ukraine, if confirmed.

Question. In the event of an anomalous health incident among your Embassy personnel or eligible family members, do you commit to maintain detailed records of the incident, and share the information with the State Department and other embassies to contribute to the investigation of how these attacks are affecting U.S. missions and personnel around the world?

Answer. Yes, if confirmed, I commit to maintain detailed records an incident, and share the information with the State Department and other embassies to contribute to the investigation of how these reported incidents are affecting U.S. missions and personnel around the world.

Question. Whether or not anomalous health incidents occur at your Embassy, how will you work to restore and preserve morale that may be lost due to the knowledge these attacks have been occurring at posts around the world?

Answer. If confirmed, I will do everything possible to ensure employees who report a possible anomalous health incident receive immediate and appropriate attention and care and the incident is reported through appropriate channels.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. BRIDGET A. BRINK BY SENATOR MARCO RUBIO

Question. We all want to see Ukraine win this war against Vladimir Putin's Russia. Ukrainians do not need funding for international COVID–19 relief or radical immigration provisions to win the war and funding for these issues should not be tied to assistance to Ukraine.

- Included in the Administration's request for supplemental appropriations for Ukraine is legislation to provide a path to citizenship for the Afghans evacuated out of Kabul last year—can you explain how that will help Ukraine win the war?

Answer. It is an administration priority in both Afghanistan and Ukraine to provide individuals who are more at risk because of the interests and values they share with us with paths to safety. In both these countries, locally employed staff of our embassies and other U.S. affiliated groups are at risk of becoming targets of violence because of their relationships with us. A path to citizenship for Afghans, and access to refugee programming for Ukrainians, send critical signals of support to those still fighting for security, stability, prosperity, and democracy in both countries.

Question. Given your deep experience working in the former Soviet states, including in Tbilisi immediately before Putin's 2008 invasion of Georgia, what in the Administration's request is critical to support Ukraine's defense and what is not?

Answer. The administration's request to Congress for additional assistance to Ukraine includes additional resources for security and military assistance, economic assistance, humanitarian assistance; and assistance to uphold human rights and support efforts to hold Russian officials accountable for atrocities. Based on my experience and knowledge of the situation on the ground, I regard all of this assistance as critical. Continuing the flow of security, economic, and humanitarian assistance is essential to ensuring that a sovereign, independent, and secure Ukraine prevails, and that Russia's invasion results in strategic failure.

Question. During his visit to Kyiv last month, Secretary of State Blinken announced the United States' intention to follow other countries' lead and return the U.S. Embassy to Kyiv. This is an important show of support for the Ukrainian people's fight against Putin's forces, but we must prioritize the security of American diplomats and service members in what is likely to remain a warzone for the foreseeable future. In your assessment, is it currently safe enough to reopen the U.S. Embassy in Kyiv?

Answer. I have no higher priority than the safety and security of everyone under Chief of Mission authority. The Department continues to assess the security situation in Ukraine on a daily basis, with the goal of resuming operations at Embassy Kyiv as soon as possible following completion of congressional notification procedures and as security conditions permit.

Question. What is the status of the return of diplomatic operations in the U.S. Embassy in Kyiv?

Answer. During the Secretary's April trip to Kyiv, he announced that we will soon resume embassy operations. The Department and interagency have been coordinating on risk assessments and our Chargé d'Affaires has visited Kyiv with a security detail. Our goal is to resume limited Embassy Kyiv operations as soon as possible following completion of congressional notification procedures and as security conditions permit.

Question. If confirmed, what security measures will you put in place to ensure that Americans assigned to the Embassy are not put in harm's way?

Answer. I have no higher priority than the safety and security of everyone under Chief of Mission authority. Diplomatic Security, the Defense Department, and the intelligence community have been coordinating risk assessments to ensure we have the security measures needed to return our diplomats to Kyiv. While conducting diplomacy in a war zone entails risks, if confirmed, I pledge to work with my leader-

ship and our team to balance these risks against our goals in a way that advances our national interests in Ukraine.

Question. If confirmed, what factors would lead you to decide to evacuate the Embassy again?

Answer. Any suspension of operations would be done in close consultation with Department leaders and the White House, and would depend on a number of factors. If confirmed, my highest responsibility will be the safety and security of everyone serving under Chief of Mission authority. I believe we need to be in Kyiv to effectively advance U.S. interests.

Question. Vladimir Putin's airstrikes and artillery attacks on Ukrainian cities have landed dangerously close to Poland and other NATO states, while in recent weeks, Russian state-owned media have started to talk about how this conflict is becoming a full-fledged war between Russia and NATO. If confirmed, what would your recommendation to the President be in order to deter a Russian attack on NATO personnel delivery assistance to Ukraine?

Answer. The United States remains concerned about Russia's threats and have planned for contingencies, but as the Pentagon has said, we have no indications that any weapons or equipment shipments have been hit or blocked by Russia. U.S. forces are not in Ukraine, but remain in neighboring, NATO countries, and President Biden has been clear that we will defend every inch of NATO territory. If confirmed, my recommendation would be to continue this policy.

Question. If confirmed, and if Putin does try to push a NATO member country to invoke Article 5, what would your response be?

Answer. The President has been clear: we will defend every inch of NATO territory with the full force of U.S. and Allied power. NATO is united and determined to defend our collective security. Together, allies have reinforced NATO's Eastern Flank to reassure frontline allies and deter Russia's aggression. If confirmed, I will work with Congress to continue this ironclad commitment to Article 5.

Question. Since February, we have seen an unprecedented show of support for Ukraine among our European allies. Countries that previously were reluctant to meet NATO's 2 percent of GDP military spending requirement have now pledged to do so. Finland, Sweden, Germany, and others have broken longstanding policy against providing lethal assistance by providing rifles, rocket launchers, and other equipment to the Ukrainian people. However, fractures are already appearing in this pro-Ukraine coalition. German Chancellor Scholz has spent weeks delaying delivery of anti-aircraft weapons and other heavy weapons to Ukraine, despite announcing a reversal of Germany's old pro-Russia policies. Do you believe the pro-Ukrainian coalition that has emerged in Europe can remain united through the end of the war in Ukraine?

Answer. Yes. U.S. leadership and a commitment to working with our allies and partners has led to an unprecedented level of international cooperation in response to Russia's unprovoked and unjustifiable war in Ukraine. If confirmed, I pledge to continue close consultation with all allies and partners to maintain this momentum.

Question. Can this coalition last beyond the war and assist the United States in confronting the long-term security threats in the region?

Answer. We have never been more united with allies and partners, as demonstrated by the unified and immediate response to Putin's war. Collectively, we are committed to Ukraine's long-term success as a sovereign, independent, and secure state. NATO Allies are taking lessons learned from this experience into the Madrid Summit in June, where we will shape a common understanding of Transatlantic security that will further unify us for the next decade. If confirmed, I am ready to work with allies, partners, and Congress to rebuild Ukraine and continue to strengthen our alliances and partnerships.

Question. If confirmed, what steps will you take to work with your counterparts in the other Embassies in Kyiv to ensure the European countries continue to take the threat of Russia seriously?

Answer. If confirmed, I commit to regular, close consultation with all our allies and partners based in Ukraine on this and other areas of mutual interest. As long as Russia threatens global stability and security through its violations of the sovereignty, territorial integrity, and independence of other states, I commit to working with other countries who share our goals to repel this aggression.

Question. For the last few weeks, the Chinese Communist Party has duplicitously tried to present itself as a supporter of Ukraine's sovereignty, while also providing

material aid to Putin's invasion—through financial assistance and even cyber-attacks on Ukraine's Government. We should not be mistaken—the CCP under Xi Jinping is fully complicit in Putin's war against Ukraine and we should hold it accountable. If confirmed, how will you direct U.S. efforts to counter CCP narratives that China is a friend of Ukraine?

Answer. The courage of the people of Ukraine and the stalwart support of the United States and our allies and partners have inspired people around the world striving for peace, democracy, human rights, and freedom. Meanwhile, the People's Republic of China has been absent in the time of Ukraine's greatest need, providing diplomatic cover for Russia's brutal, unprovoked war and amplifying Russian disinformation about Ukraine, the United States, and NATO. The people of Ukraine will not forget which countries stood up for them.

Question. Before the war, Ukraine's Government had once looked to China as a source of much needed funding for port and infrastructure development. Do you support China having a role in Ukraine's reconstruction? Why or why not? If you do not support China having a role, what can you do to ensure they are not a part of this effort?

Answer. If confirmed, I will work with Ukraine to encourage a sustainable and transparent approach to reconstruction, built around mutually beneficial relationships, trusted vendors, and national security. This will help develop a level playing field capable of accelerating inclusive economic growth throughout the reconstruction process. The United States is always ready to share best practices with our closest partners, but the democratically elected government of Ukraine will choose its own path.

Question. As you well know, Russia's invasion of Ukraine has created an urgent humanitarian crisis, particularly for vulnerable orphaned children. There are roughly 300 Ukrainian orphans with unique ties to the United States that makes travel to the United States an immediately viable tool for their protection. These children deserve to be cared for in the safest environment available while the situation in Ukraine remains dangerous and unstable.

- If confirmed, would you work to provide these children with authorization for temporary travel to the United States so they may stay with their prospective host families away from harm?

Answer. The Government of Ukraine is deeply concerned about the risk of separation of children from their families and of child trafficking in wartime, especially for vulnerable groups like orphans. If confirmed, I will work closely with the Government of Ukraine to make sure vulnerable groups are afforded the best legal and diplomatic options for getting to a safe environment. I believe these options should include safe pathways to the United States for those with legitimate ties, including Humanitarian Parole or the Uniting for Ukraine program as applicable, and be consistent with Ukraine's protections of these children.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. BRIDGET A. BRINK BY SENATOR TODD YOUNG

Question. What can be done to assist Ukraine in exporting its grains and agricultural goods so critical to addressing global food needs? Are there alternative routes to help transport the food?

Answer. Ukraine's ports, which were used to export 95 percent of its grains and agricultural goods prior to Russia's full-scale invasion, are not operational due to Moscow's effective naval blockade. Ukraine is attempting to export grains via its EU neighbors but is limited by numerous factors—including different rail gauges between the countries, lack of railcars and port capacity on the EU side, and bottlenecks at borders. If confirmed, I will work closely with our partners to improve the situation, and with the Government of Ukraine to ensure they are putting into place the necessary processes to quickly comply with EU customs and regulations.

Question. How can we and the international community support Ukraine's agricultural sector now to ensure that crops can be planted, grown, and harvested even in the midst of this war?

Answer. Ensuring Ukraine's agricultural sector has access to export markets and to inputs such as fuel and fertilizer will be crucial. Ongoing assistance programs as well as funds from the Ukraine Supplemental Appropriations Act are addressing the acute needs of the agricultural sector. This goes beyond merely providing foreign as-

sistance, however. If confirmed, I pledge to continue to work with our partners and allies to overcome the challenges presented by Russia's hostile naval presence in the Black Sea. I will continue to work to ensure that fuel and fertilizer arrive where they are needed, when they are needed.

Question. I understand the Ukrainian Government has understandably put in place export restrictions to prioritize its war efforts. If confirmed, how would you coordinate with the Government of Ukraine to ensure that restrictions are tailored to support the Ukrainian people while ensuring surplus foods are able to be exported?

Answer. Ukraine's economy depends on exporting food around the world. While Ukraine has introduced strict new export quotas on some of its most critical domestic agricultural and food needs (meat, oats, buckwheat, and sugar), it did not do so for most globally—significant exports—these include wheat, corn, poultry, and sunflower oil. Instead, it introduced a new system that will allow its Ministry of Economy to manage more directly Ukraine's agricultural commodities and food supplies. If confirmed, I will work closely with the Government of Ukraine as it seeks to balance domestic consumption and agricultural sector exports.

Question. As we support Ukraine's Government in the war, we also need to think carefully about long-term sustainability. What tools do we have to ensure accountability and continued democratic reforms in Ukraine?

Answer. The people of Ukraine have twice taken to the streets to get rid of corrupt leaders—in the 2004 Orange Revolution and the 2013-2014 Revolution of Dignity—and are now bravely defending against Russia's full-scale invasion in order to have a democratic, European future. If confirmed, I will support the Ukrainian aspiration for this future through the re-establishment and strengthening of institutions with integrity and procedures that help eliminate corruption, build resilience, and meet international best practices. I will also continue support efforts that aim to hold Russian officials accountable for war crimes and atrocities.

Question. How concerned should we be about the relationship between President Zelensky and the sanctioned Ukrainian oligarch Ihor Kolomoyskyy? Does the war change the risks to Ukrainian democracy and rule of law from its own oligarchs?

Answer. Given the tremendous sacrifices made by the people of Ukraine as they defend their country and the commitment by the international community to help Ukraine defend itself, I believe there is an historic opportunity to be seized to break a legacy of endemic corruption in Ukraine. If confirmed, I intend to ensure that our policies are fully geared toward helping Ukraine achieve this goal.

More specifically on Ihor Kolomoyskyy, I would note that last year the Department of State announced a visa restriction on him, along with his immediate family members, for involvement in significant corruption. This was a clear message from the United States that no one is above the law as Ukraine works to counter corruption and hold corrupt actors accountable. If confirmed, I will reaffirm this position.

Question. Prior to the war, Ukraine had started to backslide on reforms in its judiciary, energy sector, and central banking. If confirmed, how would you approach having tough conversations with the Government of Ukraine about continued progress on democratic reforms?

Answer. If confirmed, combating corruption, and advancing much-needed institutional reforms will remain one of my top priorities. Anti-democratic forces have weaponized corruption, misinformation, and disinformation to exploit perceived weaknesses and sow division within and among free nations, erode existing international rules, and promote alternative models of authoritarian governance. We cannot afford to help Ukraine win this war, only to lose its democratic future by failing to reform. I will regularly communicate this to the Ukrainian Government and underscore the importance of reform to Ukraine's European future.

Question. There were over 300 Ukrainian children in process of being adopted by American families when the invasion began in February. Now these children face a deeply uncertain future. If confirmed, how would you work with the Government of Ukraine to identify and support Ukrainian children in limbo in the adoption process?

Answer. If confirmed, I look forward to working with the Ukrainian Government to ensure these children are united with their adoptive families as soon as it is safe and legally feasible. The United States also recognizes and respects Ukraine's jurisdiction over decisions about the safety and welfare of children in its care. This includes their jurisdiction over requests to move the children to a different country. If confirmed, I pledge to continue our close cooperation with the Ukrainian Govern-

ment in order to complete these adoptions, in accordance with U.S. and Ukrainian law.

Question. As the Embassy reopens operations, how would you prioritize consular services in the country, if confirmed?

Answer. Initially, we will prioritize emergency services for U.S. citizens. The Department of State continues to advise U.S. citizens not to travel to Ukraine. Routine passport and visa services will continue to be provided at U.S. Embassies in neighboring countries.

Question. What would be your message to our European allies on the importance of coordinated actions to counter Russia's aggression in Ukraine?

Answer. If confirmed, my message would be that Putin's war is a threat to all countries that believe in the sovereign right of states to choose their own futures. The United States and our European allies and partners have never been more united in imposing severe costs on Russia for its aggression in Ukraine.

Question. What could the United States do to help allies reduce their dependence on Russian energy supplies?

Answer. If confirmed, I will ensure Embassy Kyiv supports this administration's commitments to help our allies and partners diversify away from Russian energy. The joint U.S.-EU Task Force on Energy Security seeks to address this challenge by helping Europe reduce its dependence on Russian fossil fuels by diversifying liquified natural gas supplies for the EU market and reducing overall demand for natural gas. It also commits to working with our European allies to accelerate the deployment of clean energy, support energy efficiency measures, and increase our cooperation on renewable energy projects and technologies. If confirmed, I will make sure Embassy Kyiv supports these efforts to break our allies' dependence on Russian energy.

Question. How would you characterize the current solidarity and cooperation among Eastern European countries in the face of Russia's war?

Answer. The United States, our allies, and our partners have never been more united in our support of Ukraine, and in our determination to impose severe costs on Russia for its aggression. We continue to fortify the NATO Alliance by enhancing our force posture on the Eastern Flank and working to build resiliency against Russia's aggression. There is broad support among our allies and partners in eastern and central Europe for cutting off Putin's economy and countering the weaponization of Russian energy exports. If confirmed, I will work to ensure the United States and partners remain united in our effort to help Ukraine defend itself against Russia's war of choice.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. ELIZABETH H. RICHARD BY SENATOR ROBERT MENENDEZ

Question. How will the Counterterrorism Bureau deal with a more decentralized and localized terrorist threats against our friends and allies in a post-Al Qaeda, post-ISIS environment?

Answer. Terrorist groups threatening the United States and our partners today are more geographically dispersed, more ideologically diverse, and more technologically adept than ever before.

If confirmed, I commit to sustaining our efforts to disrupt terrorist plots, eliminate terrorist safe havens, sever terrorist groups' access to financing, materiel, and recruits, and prevent and counter violent extremism in communities so that these groups cannot further mobilize or inspire others to commit acts of violence. This includes encouraging allies and partners to assume a greater share of the burden, which is particularly critical in a decentralized threat environment. If confirmed, I will work closely with Congress on engaging allies and partners to use their resources and comparative advantages in terms of relationships and geographic proximity to help us combat global and regional terrorist organizations.

Question. Do you believe that the resources and funding dedicated to U.S. counterterrorism programs at the State Department are adequate? If not, how much more is needed and for what programs?

Answer. Counterterrorism remains a priority for the State Department and the Administration. If confirmed, one of my first jobs will be to assess resources planned

in previous years and ensure they are meeting the needs of the counterterrorism mission.

I will fully engage in the budget planning process with Department leadership, OMB, and Congress to ensure the resources are aligned with our priorities and able to address the growing threats of ISIS and other terrorist actors that seek to destabilize security.

Question. What should be done to win the "hearts and minds" of individuals and groups that may be susceptible to the influences and teachings of violent Islamist extremism fundamentalists?

Answer. Outreach to individuals and groups that may be susceptible to terrorist and violent extremist influences and teachings is a priority for the Biden-Harris administration and the State Department.

The comprehensive "whole-of-society" U.S. approach focuses on building long-term resilience to these messages in order to prevent—as well as counter—terrorism and violent extremism online and offline, while respecting human rights and fundamental freedoms such as freedom of expression.

I understand that the CT Bureau partners with community leaders, religious leaders, and NGOs to increase their capacity to intervene effectively in the lifecycle of a potential terrorist, and supports community-level, social-service-based intervention initiatives and law enforcement programs to create "off-ramps" for those individuals on their way to becoming radicalized to violence and/or recruited by terrorist organizations.

If confirmed, I will continue to work closely with these partners on this issue.

Question. What is your view of current U.S. approaches to threats posed by transnationally active violent right-wing extremists?

What changes, if any, to existing efforts do you believe are appropriate?

Answer. Countering racially or ethnically motivated violent extremism (REMVE), including violent white supremacist ideologies and actors, has been a top priority for the Biden-Harris administration and the State Department.

I understand that the Biden-Harris administration released the first-ever National Strategy for Countering Domestic Terrorism in June 2021.

I also understand that the State Department uses a broad range of tools to counter the transnational dimensions of the REMVE threat, including diplomatic engagement, information sharing, and capacity building.

If confirmed, I will continue to work closely with interagency partners, foreign partners, and multilateral organizations on this issue.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. ELIZABETH H. RICHARD BY SENATOR JAMES E. RISCH

Question. Ambassador Richard, our Chiefs of Mission provide concurrence for Department of Defense counterterrorism activities in their respective areas of responsibility—what we call 127 echo programs. However, I'm concerned that once our Chiefs of Mission provide concurrence, we have no opportunity to revisit based on changing conditions. Worse, the Foreign Relations Committee has little visibility on where our Chiefs of Mission are providing concurrence. Do I have your commitment to work with this committee to ensure we have adequate visibility?

Answer. I commit to work with the Senate Foreign Relations Committee on this matter, if confirmed. I will coordinate closely with the Secretary of State and critical State Department stakeholders to review the current State Department practices and procedures related to Section 10 USC 127e. I will also work closely with the Department of Defense to address the changing global threat environment.

Question. While we shattered the Islamic State's grip on Iraq and Syria, problems remain. Thousands of foreign terrorist fighters languish in sometimes makeshift prisons in Syria. While a handful of our partners have repatriated their foreign fighters to face justice, others have refused. How do we accelerate repatriations and ensure these fighters don't pose a threat to United States' interests?

Answer. The United States encourages countries of origin to repatriate, rehabilitate, reintegrate, and, where appropriate, also prosecute foreign terrorist fighters (FTFs) and associated family members. If confirmed, I will intensify diplomatic engagement in bilateral and multilateral channels, including through the Global Coalition to Defeat ISIS, to press governments around the world to return their nationals and fulfill their responsibilities.

Question. Recent press reporting argues that you refused a EUCOM QRF and subsequently left the Embassy "exposed." Please respond to those criticisms.

Answer. The Embassy did not refuse the EUCOM QRF. It did deploy to Beirut. In addition, the Embassy maintained an extremely robust security presence of U.S. and host nation security elements at all times. All of the Embassy's security-related decisions were made in close consultation with security professionals and other relevant officials in the Embassies and in Washington.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. ELIZABETH H. RICHARD BY SENATOR JEANNE SHAHEEN

Question. The Biden administration has assigned the role of ISIS Detainee Coordinator to the Counterterrorism Coordinator for the purposes of fulfilling the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act. If confirmed, how will you work across the interagency to ensure that the complex challenges of both ISIS detention and the displacement of families with perceived and possible ISIS affiliation will be adequately addressed?

Answer. The U.S. Government encourages countries of origin to repatriate, rehabilitate, reintegrate, and, where appropriate, prosecute foreign terrorist fighters (FTFs) and associated family members. The United States also provides, on a case-by-case basis, logistical support for countries of origin willing to repatriate their nationals. These efforts involve not just the CT Bureau but other State Department bureaus and offices, U.S. embassies abroad, and elements of the Department of Defense, among others. If confirmed, I will expand our existing repatriation efforts, reinvigorate our dialogue with other countries, and redouble our efforts to ensure the welfare of FTF-associated family members.

Question. The Government of Iraq has indicated a greater willingness to take back its 30,000 residents in the Al Hol camp. How should the U.S. Government utilize this important window of opportunity to assist with the repatriation of the Al Hol camps Iraqi citizens who comprise a large number of the camp's residents?

Answer. If confirmed, the repatriation of displaced persons out of northeast Syria would be one of my top priories. In addition to diplomatic efforts, I understand that the United States is currently working with international humanitarian organizations to enable Iraqi returns and reintegration into areas of origin. If confirmed, I will inject new energy to these efforts to ensure that we are adequately engaging with partners to repatriate all citizens out of northeast Syria.

Question. ISIS sleeper cells in northeast Syria appear to have increased the tempo of attacks—possibly exploiting a pivot in global attention towards Europe. ISIS elements have also stated publicly their intention to continue attacks on prisons (such as in Al Hasakeh this past January) and camps as part of their overall strategy to replenish their ranks. How will you work with others in the U.S. Government to ensure that ISIS detention sites and displacement camps are secure and not vulnerable to external attack?

Answer. This is a complex issue. As I understand it, overcrowding in predominantly makeshift detention facilities and displaced persons camps in northeast Syria exacerbates the security challenges and diverts resources from the counter-ISIS mission. I believe we must work quickly to reduce the number of people in detention and ensure ISIS detainees are held humanely and securely.

We must also work quickly to reduce the number of displaced persons in IDP camps in al-Hol and elsewhere in northeast Syria. I also understand that getting countries to repatriate their foreign fighter citizens and families is only one part of the solution. If confirmed, I will work within the Department of State and with interagency partners, including DOD, to identify and fill gaps in local partner capacity to support improved security at these locations.

Question. How should the United States address the repatriation of foreign women and children living in the displacement camps, particularly with our European allies who remain opposed to repatriating their citizens?

Answer. As Secretary Blinken has stated, the current situation with regard to detained ISIS fighters and their family members in Syria is not sustainable. The best way to counter this challenge is to increase support for and availability of education and psychosocial services, and for countries to repatriate their nationals, which the CT Bureau helps facilitate.

If confirmed, I will press governments around the world to repatriate their nationals through intensive diplomatic engagement in bilateral and multilateral channels, including through the Global Coalition to Defeat ISIS. I will continue to make the case to countries around the world that repatriation, rehabilitation, reintegration, and, where appropriate, also prosecution provide the only durable solution to the humanitarian and security challenges posed by FTFs and associated family members in displaces persons camps in northeast Syria.

Question. Many liken the displacement camps to a "ticking time bomb" that potentially holds the next generation of ISIS fighters if the situation in the camps is not addressed. If confirmed as the CT Coordinator also serving as the ISIS Detainee Coordinator, how will you utilize both roles to address the need to prevent the radicalization of the camp's children?

Answer. As I understand it, there are thousands of family members in displaced persons camps in northeast Syria, many of whom are under the age of 18. I understand the United States, through its partnerships with U.N. humanitarian agencies and NGOs, provides life-saving humanitarian assistance to displaced persons camps such as al-Hol and Roj, including funding for camp management, food assistance, health care, education, psychosocial support services, and clean water and sanitation.

Ultimately, the best solution for residents and the only durable solution is the voluntary, safe, and dignified return of Syrians to their areas of origin or another location of their choosing, and the repatriation of non-Syrians to their countries of origin. If confirmed, I will prioritize international cooperation on repatriation to ensure that ISIS does not exploit these vulnerable populations or reconstitute itself in the region.

Question. If confirmed, how will you work with other stakeholders at State and USAID to address the need to prepare communities in Iraq and northeast Syria for the return of their residents in the camp? What type of programming, resources and coordination do you envision to address this piece of the challenge?

Answer. If confirmed, I will work closely with other stakeholders at State and USAID to identify and, where practical, develop capacity-building programs for the Government of Iraq to support the return, rehabilitation, and reintegration of Iraqis from Syria. In the case of CT Bureau, assistance may focus on training Iraqi officials to independently complete risk and needs assessments to effectively connect returnees with the psychosocial and economic support they need to rehabilitate and reintegrate successfully into society. If confirmed, I will also leverage my role as the Special Envoy to encourage Coalition members to fund and implement programming toward such efforts in a coordinated manner.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. ELIZABETH H. RICHARD BY SENATOR MARCO RUBIO

Question. At a time when Shi'ite militias are stepping up attacks on U.S. facilities and personnel in Iraq, when the Houthis are massacring innocent civilians in Yemen, and where Hamas and Hezbollah are launching attacks on Israel, the Biden administration is contemplating lifting sanctions on these terrorists' prime sponsor: the Islamic Republic of Iran. This is certainly the biggest obstacle to negotiating a flawed deal on Iran's nuclear program and will certainly impact the national security of our partners across the Middle East.

- Do you agree that Iran is the region's largest supporter of terrorist movements in Lebanon, Israel, Iraq and Yemen? Why or why not?

Answer. Iran continues to be the foremost state sponsor of terrorism and facilitates a wide range of terrorist activity, both in the region and around the world. It continues to support Hezbollah, Palestinian terrorist groups, and various groups in Iraq, Bahrain, Syria, and Yemen with funding, training, weapons, and equipment. It also harbors senior, veteran al-Qa'ida leaders in Iran. Iran's support for terrorism destabilizes the region and threatens U.S. forces, diplomatic personnel, and our partners in the region and elsewhere. If confirmed, I would strengthen cooperation with our allies and partners to address the threats posed by Iran.

Question. If Iran is provided $100 billion in sanctions relief, this would be a boon to terrorists who seek to destabilize these countries and threaten American national security. If confirmed, and if the Biden administration secures a nuclear deal with

Iran, how would you ensure the U.S. counters the inevitable increase in terrorist operations?

Answer. If confirmed, I will continue to hold the Iranian Government accountable for its actions, including its longstanding support for terrorism. I commit to using the appropriate CT tools at our disposal, including sanctions, and working in close coordination with our allies and partners, to counter the terrorist threat posed by Iran.

Question. Last year, Hamas and Palestinian Islamic Jihad, both groups designated as terrorist organizations by the United States, launched more than 4,000 rockets into Israel and this year instigated anti-Israeli attacks in Tel Aviv and Jerusalem. To protect our ally Israel and reduce the threat to Americans traveling to the Holy Land, it makes sense that we should sanction any organization or entity that provide money to these terrorists.

- Do you agree that the United States should impose sanctions on all entities that provide financial and material support to Hamas and Palestinian Islamic Jihad, including Iran?

Answer. The United States remains unwavering in its commitment to Israel's security. If confirmed, I commit to working closely with Israel and other allies and partners to counter the flow of financial and material support to Hamas and other Gaza-based terrorist groups like Palestinian Islamic Jihad. We will continue to use all tools at our disposal to counter these groups, including imposing financial sanctions, bolstering law enforcement cooperation with allies, and engaging in diplomatic engagement with partners to encourage action against the groups and those who support them.

Question. Do you support my Palestinian International Terrorism Support Prevention Act, which would impose these sanctions?

Answer. If confirmed, I commit to working with partners across the Administration, including the Department of the Treasury, to use all tools at our disposal, including targeted financial sanctions, to counter Hamas, Palestinian Islamic Jihad, and the individuals, entities, and groups who provide them with financial and material support.

Question. On May 9, reports indicated that your former colleagues in the Trump administration accused you of insubordination. They claim you went against State Department orders and sent back a U.S. military quick response force sent to Beirut in 2020 to defend against a potential terrorist attack the month after the death of Iranian leader Qassem Soleimani. Given Embassy Beirut's tragic history of terrorist attacks, this decision potentially endangered American diplomatic personnel in Lebanon. Do you believe your decision in 2020 to not extend deployment of the quick response force could have endangered the lives of American diplomats in the Embassy?

Answer. While serving as Ambassador to Lebanon, ensuring the safety and security of the Embassy team was my first concern, which is why my team and I coordinated with the relevant stakeholders, including all involved security personnel, and reached this decision. We reached this decision based on the best interests and security of all U.S. personnel at Embassy Beirut.

Question. When making this decision, did you consult with your superiors in Foggy Bottom, as required by normal State Department protocol?

Answer. I believe the safety and security of my personnel is paramount, and my team and I coordinated with all the relevant officials, including in Washington.

Question. At a time when Shi'ite militias are stepping up attacks on U.S. facilities and personnel in Iraq, when the Houthis are massacring innocent civilians in Yemen, and where Hamas and Hezbollah are launching attacks on Israel, the Biden administration is contemplating lifting sanctions on these terrorists' prime sponsor: the Islamic Republic of Iran. This is certainly the biggest obstacle to negotiating a flawed deal on Iran's nuclear program and will certainly impact the national security of our partners across the Middle East.

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Answer. While serving as Ambassador to Lebanon, ensuring the safety and security of the Embassy team was my first concern, which is why my team and I coordinated with the relevant stakeholders, including all involved security personnel, and reached this decision. We reached this decision based on the best interests and security of all U.S. personnel at Embassy Beirut.

Question. When making this decision, did you consult with your superiors in Foggy Bottom, as required by normal State Department protocol?

Answer. I believe the safety and security of my personnel is paramount, and my team and I coordinated with all the relevant officials, including in Washington.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. ELIZABETH H. RICHARD BY SENATOR TODD YOUNG

Question. What is the Administration's current counter-terrorism strategy in Yemen?

Answer. I understand the Administration's counterterrorism strategy in Yemen aims to degrade the presence and capabilities of Yemen-based terrorist groups that pose a threat to the interests of the United States and our partners in the Gulf region. Al-Qa'ida in the Arabian Peninsula (AQAP) and ISIS-Yemen continue to exploit the political and security vacuum in much of Yemen's territory. Counterterrorism operations, battlefield losses to the Houthis, and internal divisions have degraded AQAP capabilities in Yemen. The group, however, remains a significant threat to the region and to the United States. A small ISIS group also operates in Yemen but poses a lesser threat than AQAP at this time. Destabilizing actions by the Houthis have undermined the security of Yemen and our regional partners; terror groups have taken advantage of this instability. If confirmed, I will work across the U.S. Government and with foreign partners to utilize all appropriate tools to counter the activities of terrorist actors in Yemen, including efforts to build the counterterrorism capabilities of our Yemeni partners.

Question. If confirmed, what would be your approach to combatting terrorism in and from Yemen?

Answer. If confirmed, I will continue to actively monitor the full range of threats emanating from Yemen and work with colleagues across the U.S. interagency to ensure that the U.S. Government has the resources and capabilities in the region to address them. If confirmed, I will utilize all the appropriate counterterrorism tools at our disposal to degrade the capabilities of terrorist actors operating in Yemen. This includes using appropriate sanctions tools to apply pressure on the networks that support the financing of terrorist activities in Yemen, supporting coordinated action at the United Nations to demonstrate international resolve against threats to Yemen's stability, and providing training and assistance to strengthen the capabilities of civilian counterterrorism partners in Yemen.

Question. How do you view the role of Iran in funding and facilitating terrorism in Yemen? More broadly, what is your view of the role of Iran in funding terrorism throughout the Middle East?

Answer. Iran was designated as a State Sponsor of Terrorism in 1984 and continues to support a range of designated terrorist groups with funding, training, weapons, and equipment. These include Hezbollah; Hamas; Palestinian Islamic Jihad; Kata'ib Hezbollah and Asa'ib Ahl al-Haq in Iraq; and Al-Ashtar Brigades and Saraya al-Mukhtar in Bahrain. In Yemen, Iran continues to exploit the conflict to expand its influence; Iran has provided weapons and advanced equipment such as unmanned aircraft systems, training, and other support to the Houthis, who have engaged in attacks against regional targets. The U.S. Government has taken a broad range of steps to counter Iran-backed terrorist activity, including sanctions, and if confirmed, I will strengthen cooperation with our allies and partners to address the threats posed by Iran.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. ELIZABETH H. RICHARD BY SENATOR TED CRUZ

Question. What percent of U.S. assistance to Lebanon was used for activities or operations aimed at disarming Hezbollah during your tenure as ambassador? A rough estimate or a range will be sufficient.

Answer. Our assistance to Lebanon is intended to build a sovereign Lebanese state that can govern justly and fairly, and that is the sole defender of the country. As long as Hezbollah maintains its arms and embraces the use of terrorism, Lebanon cannot succeed. U.S. assistance to the Lebanese Armed Forces (LAF) and Internal Security Forces (ISF) is focused on developing these organizations' capabilities and professionalism. This assistance—including the support provided during my tenure as Ambassador to Lebanon—increases LAF capacity as the sole legitimate defender of Lebanon's sovereignty, enables the LAF to counter violent extremist organizations, bolsters the LAF as an institutional counterweight to Hezbollah's narrative and desired influence, and protects U.S. regional security interests. For example, during the May 2021 conflict between Israel and Gaza-based militants, when rockets were launched from Lebanon toward Israel, and pro-Hamas and pro-Hezbollah demonstrators protested along the Blue Line dividing Lebanon from Israel, the LAF responded rapidly to the rocket launches and deployed along the boundary to support UNIFIL peacekeepers and mitigate Lebanon-based threats against Israel and regional stability. In August 2021, when Hezbollah claimed credit for launching several rockets from Lebanon toward Israel, the LAF arrested several

Hezbollah suspects and took into its possession a rocket launcher. The suspects were later released by state authorities.

Question. What percent of U.S. assistance to Lebanon was used for activities or operations aimed at disrupting Hezbollah military activities other than through disarming them during your tenure ambassador, e.g. through roadblocks? A rough estimate or a range will be sufficient.

Answer. A government that reflects the will of the Lebanese people, is able to meet their needs, and controls the security institutions that will defend Lebanon's sovereignty and enforce the law will curtail Hezbollah's ability to pursue its malign agenda both in Lebanon and in the region. U.S. assistance to Lebanon is one of the many tools the Department uses to support the Lebanese people, civil society, and institutions critical to building a sovereign state responsive to its people's legitimate needs. U.S. security assistance also supports partners, such as the Lebanese Armed Forces (LAF) and Internal Security Forces (ISF), that are critical to stability and security.

This assistance—including the support provided during my tenure as Ambassador to Lebanon—has helped build up LAF and ISF capabilities. In recent years, the LAF and ISF have imposed increasing costs on criminal syndicates, including groups potentially linked to Hezbollah, by arresting smugglers engaged in the illicit movement of drugs, weapons, and goods in areas of eastern Lebanon where Hezbollah wields influence. In October 2021, Hezbollah and Amal party protests devolved into armed clashes with supporters of the Lebanese Forces party in Beirut. The LAF deployed to calm sectarian tensions, evacuate civilians, restore order, and arrest perpetrators.

Question. Please describe the degree to which, in your assessment, Hezbollah continues to influence or exert control over the Beirut-Rafic Hariri International Airport or facilities located within the airport.

Answer. The U.S. Government has been and remains concerned about Hezbollah's influence at ports of entry into Lebanon, including the airport. During my tenure as Ambassador to Lebanon, Hezbollah was known to engage in a wide range of illicit business activities in Lebanon, including abuse of the airport. Under Prime Minister Mikati's current cabinet, a Hezbollah minister leads the Ministry of Public Works and Transport.

Question. Please describe the degree to which, in your assessment, Hezbollah continues to influence or exert control over the Port of Beirut or facilities located within the port?

Answer. I do not have access to information on the current situation at the Port. However, I know that the influence Hezbollah exerts over ports of entry remains of considerable concern and denies the Lebanese people the benefit of customs revenue, which is significant given the large budget deficits Lebanon continues to face. The current Minister of Public Works and Transport was appointed by Hezbollah to the Cabinet. I understand that to combat Hezbollah's influence, the U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) designated under Executive Order 13224 Hezbollah security official Wafiq Safa for acting for or on behalf of Hezbollah. As head of Hezbollah's security apparatus, Safa exploited Lebanon's ports and border crossings to smuggle contraband, enable Hezbollah travel, and facilitate the passage of illegal drugs and weapons into the seaport of Beirut, routing certain shipments to avoid scrutiny.

Question. Did you or any other officials from U.S. Embassy Beirut convey concerns to the Lebanese Armed Forces or the Lebanese Government that their level of coordination or cooperation with Hezbollah during their 2017 Arsal operations risked compromising American support, including but not limited to security assistance?

Answer. During my time as Ambassador to Lebanon, I regularly met with the Lebanese Armed Forces (LAF) Commander to emphasize U.S. expectations for LAF conduct and operations. In 2017, the LAF demonstrated its counterterrorism capability in Operation "Dawn of the Hills," when it expelled hundreds of ISIS fighters from northeastern Lebanon. The LAF is independent of Hezbollah and retains operational autonomy.

Question. Is the *Politico* report accurate that your move not to extend the QRF's deployment was not coordinated with then-Secretary of State Pompeo?

Answer. The State Department has a process for making decisions on security. That process was followed. This decision, as with every security-related decision I have been a part of, was made in close consultation with security professionals and

other relevant officials in the Embassy and between Embassy officials and relevant offices in Washington. I cannot speak to the internal coordination in Washington.

Question. Is the *Politico* report accurate that your move not to extend the QRF's deployment was not coordinated with then-Under Secretary of State David Hale?

Answer. The State Department has a process for making decisions on security. That process was followed. This decision, as with every security-related decision I have been a part of, was made in close consultation with security professionals and other relevant officials in the Embassy and between Embassy officials and relevant offices in Washington. I cannot speak to the internal coordination in Washington.

Question. Did you, in official or unofficial capacities, argue that keeping the force in country might increase the threat posed by Hezbollah? If so, please elaborate on why you believed the extending the QRF on Lebanese soil would increase the threat posed by Hezbollah.

Answer. This decision was informed by input from knowledgeable officials. We reached this decision based on the best interests and security of all U.S. personnel at Embassy Beirut.

The Amer Fakhoury Case

Question. The Lebanese Government's unjust detention of American citizen Amer Fakhoury marked a particularly troubling recent incident in U.S.-Lebanese relations. According to the Amer Fakhoury Foundation, he "was a U.S Citizen who was kidnapped by the Hezbollah-backed Lebanese Government on September 12th, 2019, while on a family vacation in Beirut, Lebanon. He was abused, tortured, and forced to sign false documents which were then used to illegally detain him for 7 months. After tremendous pressure from the U.S Government, the Lebanese Government admitted to the illegal arrest of Amer Fakhoury."

Several dynamics related to this incident are entangled with counterterrorism challenges faced globally, including the complicity of state institutions in terrorist activities and the use of hostage-taking as a tool of coercion.

- To what extent did you assess at the time that the Lebanese Government was acting under the influence of Hezbollah?

Answer. Although designated as a Foreign Terrorist Organization and Specially Designated Global Terrorist by the United States, Hezbollah has acted as a political party in Lebanon since 1992. Since then, it has exercised both its formal political influence as well as informal influence, through its well-known maintenance of an active militia and terrorist apparatus. At the time when Mr. Fakhoury was detained in September 2019, Hezbollah controlled 12 out of 128 seats in Parliament and three ministerial positions. The structure of the Lebanese state essentially ensures that no party is able to gain a majority, which means that every party will be able to exert some influence, though no party can exert complete control. Hezbollah Secretary General Hassan Nasrallah said publicly the group did not believe Mr. Fakhoury should have been released. The fact that he was released speaks to the Government's ability to make decisions that Hezbollah does not support.

Question. To what extent did U.S. Embassy Beirut assess at the time that the Lebanese Government was acting under the influence of Hezbollah?

Answer. The structure of the Lebanese state essentially ensures that no party is able to gain a majority, which means that every party will be able to exert some influence, though no party can exert complete control. Hezbollah Secretary General Hassan Nasrallah said publicly the group did not believe Mr. Fakhoury should have been released. The fact that he was released speaks to the Government's ability to make decisions that Hezbollah does not support.

Question. At what point, if any, did you conclude that the Lebanese Government's detention of Fakhoury constituted an unjust detention?

Answer. During my tenure as Ambassador to Lebanon, the Levinson Act—which includes a requirement that the Secretary of State review U.S. national detentions for wrongfulness—was not yet in effect. However, as Ambassador, any detained American was always a top concern for me and the entire embassy team, and in this case, I worked closely with Mr. Fakhoury's legal team, my colleagues in Washington, and advocates in Congress to press for his expeditious release. In fact, in my last meeting with President Aoun, I raised only one substantive issue: Mr. Fakhoury's continuing imprisonment. I was pleased to see him released and reunited with his family just weeks later.

Question. At what point, if any, did U.S. Embassy Beirut conclude that the Lebanese Government's detention of Fakhoury constituted an unjust detention?

Answer. My assessment of the situation was developed in conjunction with and informed by the full country team at Embassy Beirut. I would refer you to my previous answer.

Question. To what extent do you assess that the Lebanese Government was holding Fakhoury with the expectation of releasing him in exchange for a Lebanese person or persons held by the United States, i.e., a ransom?

Answer. During my tenure, the Lebanese Government, of which Hezbollah was a part, never formally sought to exchange Mr. Fakhoury for any person held by the United States.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. ALEXANDER MARK LASKARIS BY SENATOR ROBERT MENENDEZ

Question. How much democracy and governance funding have we provided to Chad over the past five fiscal years, and what types of programs and activities has that funding supported? Are there security assistance programs still underway in Chad? What are they?

Answer. I understand that since Fiscal Year 2017, the State Department has allocated a total of $8.5 million in Democracy, Human Rights, and Governance assistance for Chad. Specifically, I understand that the State Department has typically provided approximately $500,000 annually to support democracy and governance programming in Chad since FY 2016 through the Africa Regional Democracy Fund (ARDF). Some examples of current and previous programming include national and local civic education, training traditional leaders to promote good governance and increase engagement in public policy development and strengthening the National Assembly's institutional and operational capacity. Additionally, USAID supports civil society strengthening through activities that increase engagement of women and youth during the current transition period. This four-year project was approved for $8.5 million and recently received complementary funding of $3,025,000 specifically for transition activities.

If confirmed, I would welcome a conversation with you and your appropriations colleagues on expanding this support and agree with you that our democracy and governance activities have been underfunded in Chad. This democracy and governance funding is in addition to the tens of millions of dollars the United States provides in humanitarian assistance, especially food aid, and providing COVID–19-related assistance.

U.S. military assistance to Chad is intended to increase counterterrorism capabilities, improve the general professionalization of the military, and increase Chad's peacekeeping capabilities. I understand that you have placed a hold on various security assistance funds and that only military assistance that was notified and obligated prior to your holds has continued. Of those programs that remain ongoing Peacekeeping Operations (PKO) funded support provides sustainment for existing PKO-funded equipment, embedded advisors within various branches of the Chadian armed forces, construction of a medical facility, and counter-IED training. The PKO-funded Security Professionalization Program is also ongoing. In addition, there are previously obligated Foreign Military Financing funded programs that support C-208 and C-130 related training and sustainment, vehicle sustainment, and small boat training and sustainment. There are also several International Military Education Training (IMET) students currently in the United States finishing courses that were funded prior to these holds. Our assistance enables us to support the Chadian military to conduct much needed security and counterterrorism efforts across the Sahel and Lake Chad regions, while also supporting greater professionalization of the Chadian military in areas such as human resources management, logistics and sustainment, and increased respect for human rights. I understand the State Department has routinely engaged your office about the importance of this assistance and, if confirmed, I look forward to discussing further.

Question. Has the United States publicly supported the African Union's call for Chad's transitional leaders to (1) abide by the transitional timeline and (2) refrain from running as candidates in the elections they are responsible for organizing? If confirmed, will you commit to calling for these things publicly? What other concrete steps will you take to support a democratic transition in Chad, if confirmed?

Answer. Yes, the United States publicly supported the African Union's call for Chad's transitional leaders to (1) abide by the transitional timeline and (2) refrain from running as candidates in the elections they are responsible for organizing. The

Assistant Secretary for African Affairs issued a public statement on March 22, 2022, during her visit to N'Djamena expressing support for an 18-month transition as well as for the African Union's May 2021 call for CMT members to abstain from taking part in national elections. If confirmed, I would publicly and privately urge the Chadian transitional government to signal genuine commitment to the political transition by reaching a thorough and swift resolution to politico-military negotiations in Doha, leading to an inclusive national dialogue in Chad, followed by a constitutional referendum and free and fair elections. ansitional Military Council President Mahamat Deby has previously publicly stated his intentions not to stand for election. confirmed, I would continue to encourage the Transitional Military Council to amend the transitional charter to commit that none of its members will be eligible to stand for election, as called for in the May 2021 African Union communique.

Question. I am very concerned about directed energy attacks on U.S. Government personnel (so-called Anomalous Health Incidents). Ensuring the safety and security of our personnel abroad falls largely on individual Chiefs of Mission and the response of officers at post. It is imperative that any individual who reports a suspected incident be responded to promptly, equitably, and compassionately

- Do you agree these incidents must be taken seriously, and pose a threat to the health of U.S. personnel?

Answer. Yes, I do.

Question. If confirmed, do you commit to ensuring that any reported incident is treated seriously and reported quickly through the appropriate channels, and that any affected individuals receive prompt access to medical care?

Answer. Yes, I do.

Question. Do you commit to meeting with medical staff and the RSO at post to discuss any past reported incidents and ensure that all protocols are being followed?

Answer. Yes, I do.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. ALEXANDER MARK LASKARIS BY SENATOR JAMES E. RISCH

Question. Do you consider the transition of power that occurred following the death of President Idriss Deby constitutes a coup d'état? If not, why? If yes, why hasn't the United States Government called the 2021 transition in Chad a coup?

Answer. My understanding is that the Department carefully reviewed the events in Chad and concluded that the military coup restriction in section 7008 of the annual appropriations act had not been triggered with respect to Chad. I understand that the Department assessed that then-President Idriss Deby was not duly elected as the head of government of Chad as per section 7008, nor were his designated constitutional successors in the National Assembly. Separately, the African Union carefully examined the events in Chad and determined that the actions that lead to the formation of a Transitional Military Council taking power in the aftermath of the battlefield death of the former president was not a coup d'état. The African Union continues to monitor the situation and support Chad's transition.

Question. What are the realistic and essential benchmarks for the Chadian military junta as the country works toward achieving the "inclusive, peaceful, and timely transition to a democratic and civilian-led government" you cite in your testimony?

Answer. If confirmed, I would urge the Chadian transitional government to signal genuine commitment to the political transition by reaching a thorough and swift resolution to politico-military negotiations in Doha, leading to an inclusive national dialogue in Chad, followed by a constitutional referendum and free and fair elections. Transitional Military Council President Mahamat Deby has previously publicly stated his intentions not to stand for election. If confirmed, I would continue to encourage the Transitional Military Council to amend the transitional charter to commit that none of its members will be eligible to stand for election, as called for in the May 2021 African Union communique. While it is critical to maintain momentum in the transition, there needs to be a balance between rigidly adhering to the original timeline and ensuring a credible process with quality results that meet the needs of the Chadian people and will help guarantee a genuinely inclusive transition to a democratically elected civilian-led government.

Question. How can the U.S. integrate our security interests regarding Chad, to include our security assistance opportunities and needs, with our interest in Chadians seeing a citizen-led government and developing democracy?

Answer. If confirmed, I will endeavor to support Chad across defense, development, and diplomacy activities. I understand that the State Department, including during the Assistant Secretary for African Affairs visit to N'Djamena, has communicated to the Chadian transitional government that our security assistance and cooperation rests on seeing a firm commitment to a transparent process for free and fair elections and a transition to a democratically elected government. If confirmed, I would welcome a conversation with you and your appropriations colleagues on expanding our democracy and governance support to Chad. The United States remains a credible and attractive peace and security cooperation partner to Chad, engaging a wide variety of Chadian political, military, and civil society actors to promote peace, democracy, and governance reforms. American military expertise and collaboration constitute a positive incentive to secure democratic and governance reforms. My understanding is the training provided through our security assistance emphasizes the Geneva convention and human rights. This will help the military adjust to civilian rule after a successful transition.

Chadian units serve in the U.N. Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), and U.S. support has been critical to their deployment. If confirmed, I will give weight to the views of my counterparts in Mali and the U.S. Mission to the U.N., if they believe that the presence of the two Chadian battalions is critical to the mission, I will urge support for continued capacity-building programs. Chad's military is a major player in the fight against violent extremism in the Sahel. In 2021, Chad deployed approximately 1,050 soldiers to the Liptako-Gourma region of Burkina Faso, Mali, and Niger as part of the G5 Sahel Joint Force and continues to support G5 Sahel Joint Force operations across the Sahel. Chadians also participate in the Multinational Joint Task Force (MNJTF) operations against Boko Haram and ISIS-West Africa in the Lake Chad Basin.

Question. France remains an important and dominant factor in U.S. interests in Chad. In your view, where do U.S. interests in Chad converge with France?

Answer. In my view, the United States and France share interest in seeing concrete and consistent progress toward long-term stability in Chad and in the region, and civilian-led and democratically elected government and increased economic opportunity is the best path to long-term stability. The United States also shares France's interest in seeing Chad remain an exporter of regional security, as the situation in the Sahel would undoubtedly worsen if Chadian forces withdrew. I understand that U.S. Embassy N'Djamena has coordinated with France and other likeminded partners on joint public messaging to emphasize the importance of a peaceful, inclusive, democratic transition. If confirmed, I hope to continue this coordination.

Question. Where do U.S. interests in Chad diverge from France?

Answer. Chad is a critical security partner for France, and a longtime center of gravity for the French military in West/Central Africa. France has in the past intervened in Chad's leadership contests and believes that security in the Sahel has a direct impact on the French homeland. If confirmed, I will coordinate with France and other likeminded partners to align messaging and diplomatic engagement in urging the Chadian transitional government to pursue a peaceful transition to civilian rule in Chad, for a stable country that benefits the Chadian people and wider Sahel region.

Question. The U.S. mission in Chad is relatively small, and its remoteness at times commands significantly less attention from Washington than many of its close neighbors, including Sudan and Ethiopia.

- As Chief of Mission, if confirmed, how will you operate in such a post to manage the staff and lead U.S. policy on the ground?

Answer. Embassy N'Djamena is a strong team in a tough environment. Having led this team and other small missions in the past, I am cognizant of the particular challenges such missions face regarding resources and workload. If confirmed, I will lead regular discussions with all agencies to establish and review goals and develop strategies and tactics to achieve common objectives. If confirmed, I will engage all employees and stakeholders to conceive and articulate clearly what we will do, how we will do it despite our size and resource limitations, and why it matters—to Chadians, Americans, and global citizens alike. As appropriate and necessary, if confirmed, I will work with the Department to identify resource gaps and seek ways

to address those when possible. If confirmed, I will also create a culture of inclusion in which all employees' contributions are valued.

Question. How will you work with your colleagues at Main State to increase the attractiveness of Chad as a post for recruitment?

Answer. For an Africanist like me, Chad is a fascinating and enticing assignment; the country has a rich history of 1,000 years of recorded history, a mosaic of peoples, cultures, languages, and religions, and a geography encompassing the worlds of the desert, the savannah, and the forest in an area three times the size of California. This is also, in my view, an exciting time to be working on African affairs. The trend lines are clear that the African continent will play a major role in the direction of our highest priorities, and we have a chance now to work with African partners to influence the direction of that role. We are launching important initiatives to benefit the people of Africa and continuing to work toward democracy, transparency, and good governance. If confirmed, I would work with my colleagues at Main State to highlight the significance of a posting to N'Djamena for our relationship with Chad during a pivotal time in its history, the increasing importance of Africa in U.S. foreign policy, and our global strategic goals.

One challenge to staffing our embassy in N'Djamena is the lack of an American-standard, English-medium school. A post without at least a viable elementary school has a hard time attracting bidders. If confirmed, I hope to begin a long-term process of getting a new school up and running; that will take the work of more than one chief of mission, but it is critically important.

Question. Can you provide your view on supporting U.S. funded, independent international election observation missions?

Answer. I think there is significant value in the United States supporting independent international election observations, especially in nascent democracies or regions experiencing democratic backsliding, like in the Sahel. If confirmed, I would welcome a conversation with you and your appropriations colleagues on expanding our democracy and governance support to Chad.

Question. Would you be supportive of a U.S.-funded independent international election observation mission for Chad's next elections, whenever that may be?

Answer. If confirmed, I will consult with the Chadian transitional government, international partners, nongovernmental organizations, and civil society to understand conditions on the ground in Chad in the lead up to presidential and legislative elections to determine options for the holding of elections that are genuinely free and fair. Domestic and international observation on election day is an important tool, but the critical decisions that impact the quality of the process happen well before voters head to the polls. Indigenous civil society has a critical role to play throughout the process and if confirmed, I hope to be able to support a robust civil society involvement in all aspects of the electoral process.

Question. If confirmed, what would be your approach to using the U.S.'s tools to hold Chadian officials accountable for corrupt behavior?

Answer. If confirmed, I will support U.S. Government programs and consider leveraging visa restrictions and sanctions to promote accountability and strengthen democratic institutions, promote good governance and transparency, and combat corruption in Chad. If confirmed, I will advocate for increased development assistance to help Chad develop a stronger economy and meet the health and education needs of the population, provided that we have partners who share our vision of good governance and service delivery. I understand that we are also working to mitigate civilian harm by Chadian military forces to encourage a greater focus on accountability and protecting civilians during operations.

Question. What is your view on political dynasties and long-serving rulers who, like in the case of Chad, manipulate constitutional and electoral processes to give the facade of democratic legitimacy?

Answer. Chadians have never experienced a democratic transfer of power. As I outlined in my opening statement, Chad has had six presidents in the last 62 years, none of the incumbents left power voluntarily, and none of their successors assumed power via constitutional processes. In its modern history, Chad has been governed by and for narrow regional and ethno-linguistic interests. It has also been governed more by the force of arms than by the force of law. Chad is also one of the poorest countries in the world, ranking 187th out of 189 countries in the U.N.'s Human Development Index. It has some of the highest rates of maternal and infant mortality in the world, and some of the lowest incomes, life expectancies, and literacy rates. Questions of legitimacy of state authority can lead to fragility, insecurity, and devel-

opment challenges. The current transition period offers a unique opportunity for Chad to reform itself, for the Chadian people to reconcile their differences and move to a more democratic system that will open the way for the social, economic, and political development so desperately needed.

Question. U.S. diplomats must get outside of posts abroad to meet with local actors, including host government officials, non-government organizations, and everyday citizens. While conditions in Chad may be challenging, equally challenging is conducting diplomacy exclusively from within the Embassy compound or the capital city.

- In your experience, do U.S. diplomats get outside of our embassy walls enough to accomplish their missions fully?

Answer. The most effective U.S. diplomats are those who actively engage broadly with people throughout all parts of society in the country to which they are assigned. I understand U.S. diplomats throughout the mission safely completed multiple trips out of N'Djamena in the last six months, including to the far north and Lake Chad—places U.S. diplomats had not visited in years. These visits have enriched our public diplomacy narratives, bolstered our reporting, and enlightened our efforts to craft a more effective strategy to support Chad's democratic transition. If confirmed, I will continue to promote such important travel. In my previous assignments, I have similarly sought opportunities for the U.S. Embassy team to experience life and outreach outside embassy walls and outside of capital cities.

Question. How do you intend to improve the ability of U.S. diplomats to access all local populations?

Answer. If confirmed and as health and safety conditions permit, I will encourage U.S. diplomats to engage actively, broadly and in-person with local populations in and outside N'Djamena. If confirmed, I will encourage active engagement through social and virtual media to supplement this outreach. If confirmed, I intend to regularly visit people throughout Chad and use those visits to facilitate contacts for the rest of my team.

Question. In November 2020, I published a Senate Foreign Relations Committee majority report entitled "The United States and Europe: A Concrete Agenda for Transatlantic Cooperation on China." The report gave several recommendations for increased transatlantic cooperation, including on Africa, to counter malign Chinese influence more effectively.

- In what ways should the United States partner with European countries to build on likeminded interests in Chad and counter the influence of China and other malign actors?

Answer. I am concerned about the PRC's influence across the African continent. If confirmed, I would continue to work with European and other likeminded nations and the Chadian transitional government to strengthen Chad's resilience to external influence and highlight the advantages of cooperation with U.S., European, and likeminded countries on areas of common strategic interest including in the economic and security realms. This may at times include speaking up against the PRC's malign actions and attempts to undermine the international rules-based system and/or advocating for Chadian support of U.S. positions in the U.N. system.

Question. Many U.S. missions have been under enormous stress over the last few years, in large part due to COVID.

- What is your understanding of morale throughout Mission N'Djamena?

Answer. U.S. Embassy N'Djamena is a strong team in a tough environment. Periods of transition in Embassy leadership can be particularly challenging, and this mission has not seen a confirmed ambassador since 2018. N'Djamena is a challenging and historically difficult post to staff. Staff members face security threats, physical and mental health hazards, isolation, and loneliness. Embassy staff, including locally employed staff, have shown great resilience and dedication to duty despite COVID–19's toll. Infrastructural challenges like telecommunications are very real, for both U.S. and local personnel. Travel times to/from the United States also have the potential to affect our staff's well-being. I understand Embassy N'Djamena prioritizes Embassy morale through tools such as a community liaison office, town halls, and social events for staff to connect with leadership. I understand the new Community Liaison Officer is implementing a robust menu of social activities to appeal to our entire staff—both American and local.

Question. How do you intend to improve morale at Mission N'Djamena?

Answer. If confirmed, the safety and security of the Embassy community will be of primary importance. I will seek to support American employees and their families to create an inclusive and welcoming culture where individuals are safe and can achieve professional and personal goals. The welfare of our local Chadian and third-country staff members is also of great importance to me, and I commit to meeting regularly with the local staff committee in a spirit of open and constructive dialogue. If confirmed, I will work to ensure that employees and families have safe and acceptable housing, and that embassy services for employees are efficiently delivered to maintain quality of life. In a high-threat environment such as N'Djamena, if confirmed, I will devote extra attention to assuring the physical safety of employees and family members. In addition, if confirmed, I will clearly communicate the nature of the embassy's mission and strategic direction so that employees and family members understand how their work and presence in such an isolated and difficult place serves the national security interests of the United States.

Question. How do you intend to create a unified mission and vision at Mission N'Djamena?

Answer. Having led small missions in the past, I am cognizant of the particular challenges such missions face regarding resources and workload. If confirmed, I will lead regular discussions with all Mission agencies to establish and review goals and develop strategies and tactics to achieve common objectives. If confirmed, I will engage all employees and stakeholders to conceive and articulate clearly what we will do, and how we will do it despite our size and resource limitations. As appropriate and necessary, I will work with the Department to identify resource gaps and seek ways to address those when possible. If confirmed, I will also create a culture of inclusion in which all employees' contributions are valued.

Question. Management is a key responsibility for Chiefs of Mission.

- How would you describe your management style?

Answer. I aspire to create a leadership culture in which all are encouraged to contribute, create, and grow. If confirmed, I would like to create the ideal workplace in which people achieve shared objectives while respecting and valuing everyone's contributions. This requires from leadership and employees a recognition of individuals' strengths and areas of development, and a respect for shared values, inclusion, and our institutions.

Question. Do you believe it is ever acceptable or constructive to berate subordinates, either in public or private?

Answer. I do not believe there is an acceptable place for 'berating' subordinates, either in public or in private.

Question. How do you envision your leadership relationship with your Deputy Chief of Mission?

Answer. If confirmed, I expect to collaborate closely with the Deputy Chief of Mission to conceive goals, then implement and oversee tactics and activities to achieve those goals. If confirmed, I will work with the Deputy Chief of Mission to articulate and maintain high ethical standards and create a culture of inclusion and respect. I believe Deputy Chiefs of Mission are most effective, productive, and valued when they are permitted to work with independence, while understanding that the chief of mission is ultimately responsible in all ways for the work of the Mission.

Question. If confirmed, what leadership responsibilities do you intend to entrust to your Deputy Chief of Mission?

Answer. If confirmed, I will ask the Deputy Chief of Mission to lead our mission-wide efforts to train, develop, and empower our small but dedicated staff to serve effectively in a challenging environment while promoting U.S. interests. I will also ask the Deputy Chief of Mission to lead recruitment efforts for our Foreign Service positions and work with other agencies to ensure that their personnel feel fully integrated into Embassy N'Djamena's policy formulation and implementation.

If confirmed, I will collaborate closely with the Deputy Chief of Mission on policy implementation, engagement with the Chadian transitional government, and outreach to key groups, like civil society and youth, through traditional and social media. The Deputy Chief of Mission at any mission must be able to stand in for the ambassador as needed and potentially on short notice; if confirmed, I will ensure that my Deputy Chief of Mission has the knowledge, skills, and awareness to stand in for me with confidence.

Question. In order to create and continue employee excellence at the Department, accurate and direct employee evaluation reports (EERs) for foreign service officers are imperative, though often lacking.

Do you believe that it is important to provide employees with accurate, constructive feedback on their performances in order to encourage improvement and reward those who most succeeded in their roles?

Answer. Yes, I do.

Question. If confirmed, would you support and encourage clear, accurate, and direct feedback to employees in order to improve performance and reward high achievers?

Answer. Yes.

Question. It is imperative that U.S. diplomats get outside of posts abroad to meet with local actors, including host government officials, non-government organizations, and fellow foreign diplomats stationed in Chad.

- In your opinion, do U.S. diplomats get outside of our embassy walls enough to accomplish fully their missions?

Answer. The most effective U.S. diplomats are those who actively engage broadly with people throughout all parts of society in the country to which they are assigned. Embassy N'Djamena has actively left the capital to engage civil society, local government, media, and members of the international community throughout the country. In my previous assignments, I have similarly sought opportunities for the U.S. Embassy team to experience life and outreach outside embassy walls. Travel within Chad is difficult and time-consuming, but it is also critical to our work as diplomats. Chad is three times the size of California and has very few paved roads; if confirmed, we are going to put hard miles on our vehicles and our bodies, but we will be a presence outside of N'Djamena.

Question. How do you intend to improve the ability of U.S. diplomats to better access all local populations?

Answer. If confirmed and as health and safety conditions permit, I will encourage U.S. diplomats to engage actively, broadly and in-person with local populations in and outside N'Djamena. If confirmed, I will encourage active engagement through social and virtual media to supplement this outreach. If confirmed, I intend to regularly visit people throughout Chad and use those visits to facilitate contacts for the rest of my team.

Question. Public diplomacy is an important aspect of U.S. foreign policy efforts.

- What is the public diplomacy environment like in Chad?

Answer. The Chadian public is receptive to both U.S. Government programs and messaging on our policy priorities. Chad's demographics pose a range of challenges and opportunities for U.S. public diplomacy engagement: 65 percent of the population is under 25 years of age; the median age is 16.8 years; but reaching this dynamic population can prove difficult for our small mission. For example, as the transition in Chad gains momentum, we have at times found our ability to fully engage constrained by the lack of consistent staffing in our public diplomacy section. We currently have a temporary duty Public Affairs Officer and do not have a full-time, U.S. direct hire employee arriving until Summer 2023 to help fill this gap. As is the case in many public diplomacy sections across Africa, inadequate and inconsistent staffing inhibits broader public diplomacy efforts. Nonetheless, I am fully committed to proactive recruitment for this and other important positions at Mission N'Djamena.

Question. What public diplomacy challenges do U.S. diplomats face there?

Answer. Chad's population is overwhelmingly young, which means most people are in their primary or secondary school years. Many young people either do not have access to quality education or must leave school because of economic hardship. This difficult educational landscape also impacts the acquisition of English. While these are public diplomacy challenges—bolstering education and English acquisition—they are also opportunities for us to gear our efforts to these necessary endeavors, that will attract a new, large generation to our standard.

Question. How do you balance the importance of Main State versus the in-country mission when it comes to tailoring public diplomacy messages for foreign audiences?

Answer. If confirmed, I will work closely with Main State and respect the interagency process on policy formation. Our public diplomacy messaging will reflect this in amplifying messaging on the political transition.

Question. "Anomalous health incidents," commonly referred to as "Havana Syndrome," have been debilitating and sidelining U.S. diplomats around the world for years. They have caused serious, negative consequences for U.S. diplomacy, yet many believe that the Department is not doing enough to care for, protect, and communicate to its personnel. The past occurrences and ongoing threat of anomalous health incidents among embassy personnel and their families poses a serious challenge to morale. When personnel at post fear for their safety or doubt that their case will be taken seriously if they were affected, the performance of embassy operations can suffer.

- If confirmed, do you commit to taking this threat seriously?

Answer. Yes, I do.

Question. If confirmed, do you commit to talking as openly as you can to Mission N'Djamena personnel?

Answer. Yes, I commit to transparent communication with Mission N'Djamena personnel as it relates to anomalous health incidents and any other matters that would have an impact on the health and safety of Mission N'Djamena personnel and their families.

Question. Have you received a briefing on the anomalous health incidents that have occurred to U.S. Government personnel around the world, including at U.S. embassies and other diplomatic posts? If you have not, and if you are confirmed, do you commit to receiving a briefing on the incidents before you depart for your post?

Answer. I have received a briefing on the anomalous health incidents that have occurred to U.S. Government personnel around the world.

Question. In the event of an anomalous health incident among your embassy personnel or eligible family members, do you commit to maintain detailed records of the incident, and share the information with the State Department and other embassies to contribute to the investigation of how these attacks are affecting U.S. missions and personnel around the world?

Answer. Yes, I do.

Question. Whether or not anomalous health incidents occur at your embassy, how will you work to restore and preserve morale that may be lost due to the knowledge these attacks have been occurring at posts around the world?

Answer. If confirmed, I will pay close and continued attention to the welfare and morale of embassy staff and identify opportunities to prioritize Embassy morale through tools such as regular town halls or social events for community members and their families.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. ALEXANDER MARK LASKARIS BY SENATOR TODD YOUNG

Question. How do you view recent developments in Chad in regard to democracy and a restoration of constitutional order?

Answer. In the aftermath of then-President Idriss Deby's death in April 2021, the United States called for a peaceful, timely transition of power to a democratically elected and civilian-led government. If confirmed, I will continue to stand with the people of Chad in advocating for a democratic and representative government as the best path to long-term peace and prosperity in the country, as well as the region. If confirmed, I will encourage the Transitional Military Council to hold an inclusive national dialogue as soon as feasible, followed by a constitutional referendum and free and fair elections.

If confirmed, I will continue our coordination with like-minded embassies in Chad to stand with the Chadian people and support the transition. Since April 2021 when then-President Idriss Deby was killed by rebel forces, both the Government of Chad and the rebel groups have respected the cease fire. As it has now been over a year, the longest time Chad has known without internal armed conflict, this should be seen as a demonstration of the will of all—the Chadian people, the military leaders, the transitional government leaders, and the rebel leaders—to bring peace and reconciliation to the country through an inclusive National Dialogue and elections. If successful, these elections would mark the first time there has been a peaceful transition of power since independence.

If confirmed, I would welcome a conversation with you and your appropriations colleagues on expanding our democracy and governance support, as I believe these activities have been underfunded in Chad.

Question. Is it time to call the "military transition government" what it was, namely a coup? If not, how is the situation in Chad not a coup?

Answer. My understanding is that the Department carefully reviewed the events in Chad and concluded that the military coup restriction in section 7008 of the annual appropriations act had not been triggered with respect to Chad. I understand that the Department assessed that then-President Idriss Deby was not duly elected as the head of government of Chad, nor were his designated constitutional successors in the National Assembly. Separately, the African Union carefully examined the events in Chad and determined that the actions that lead to the formation of a Transitional Military Council taking power in the aftermath of the battlefield death of the former president was not a coup d'état. The African Union continues to monitor the situation and support Chad's transition.

Question. What should be the consequences if Chad fails to hold elections by October 2022 as the Administration has publicly called for?

Answer. If confirmed, I will continue the Administration's pressure on the Transitional Military Council to adhere to a peaceful, timely transition process leading to free and fair elections, resulting in a democratically elected and civilian-led government. If this happens, it would mark the first time since independence that Chad will experience a peaceful transition of power. It is important that we continue to see progress in the steps that will lead to elections, but it is equally important that these are done well and not rushed to ensure that there is a genuinely inclusive transition and movement toward democracy in Chad. Absent consistent and concrete progress on this transition timeline over the next few months, if confirmed, my Embassy N'Djamena team and I would explore options within the interagency to strengthen democratic institutions and promote good governance in Chad while holding accountable those responsible for delays or efforts to undermine democracy. If confirmed, I would welcome a conversation with you and your appropriations colleagues on expanding our democracy and governance support to Chad.

Correspondence Supporting the Nomination of Hon. Elizabeth Richard to be Coordinator for Counterterrorism

Honorable Robert Menendez
Chairman, Foreign Relations Committee
U.S. Senate
Washington, DC

Dear Chairman Menendez,

My attention has been drawn to an article that has appeared in Politico that has suggested that Elizabeth Richard, as ambassador to Lebanon, took undue security risks in directing the departure of a U.S. military Quick Reaction Force (QRF) from Beirut in the aftermath of the assassination of Qasim Solemani.

I consider this allegation to be the rankest and most baseless example of character assassination that I have witnessed over the course of my four decade career as a Foreign Service Officer.

Elizabeth and I worked together over a period of five consecutive years in two of the most critical threat postings in the State Department. Elizabeth was a senior officer in Islamabad, Pakistan when I served there as Deputy Chief of Mission. When I was selected as ambassador to Sana'a, Yemen, I prevailed on Elizabeth to serve as my deputy precisely because I knew that she was a rock solid officer whose judgment I could rely on regardless of any situation that we found ourselves in.

Over the course of three years together, as Sana'a was experiencing the political and security upheaval of the Arab Spring as well as the continued threat from al-Qaeda in the Arabian Peninsula (AQAP), Elizabeth and I did go through a number of serious security challenges, including repeated personnel evacuations and drawdowns, an attack on the embassy in 2012, and street battles fought among rival Yemeni military units in and around the area of our embassy and staff housing facility. In all of those instances, Elizabeth's judgment and perspectives on all issues related to the security of our staff and personnel were unerring.

There were moments when the outcome of events might have been very different for us. But I take as a point of pride that no American or Foreign Service National employee of the embassy was injured or worse during that period. I don't know that we could have been as successful had I not been able to rely on Elizabeth. So when I read an article that suggests that Elizabeth was somehow derelict in ensuring the security of the embassy and staff in her mission in Beirut, I am outraged. I know that Elizabeth handled the security in Beirut with the same care and attention to detail that she did in Sana'a. Moreover, I know that she acted only after a complete and thorough review of the situation with her Country Team and her security team. (I also know, from my own service in Beirut, that our security team there is the best of any

U.S. embassy in the world, so when they were on board with Elizabeth's perspective, that should be taken as the gold standard.)

I hope, as the Committee evaluates Elizabeth's qualifications to serve as the Coordinator for Counter Terrorism, that it will ignore these ugly and baseless allegations and recognize Elizabeth for the outstanding officer that she has been and will continue to be in this new assignment.

Sincerely,
Gerald M. Feierstein

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Correspondence Supporting the Nomination of Hon. Elizabeth Richard to be Coordinator for Counterterrorism—continuing

The Honorable Robert Menendez
Chairman
U.S. Senate Committee on Foreign Relations

The Honorable James Risch
Ranking Member
U.S. Senate Committee on Foreign Relations

Senators:

I am writing after seeing the article suggesting that Ambassador Elizabeth Richard did not execute her duties as our Ambassador to Lebanon in a responsible manner.

I have known and worked closely with AMB Richard for nearly 15 years. I consider her to be among the very finest Diplomats our Nation has produced. Any suggestion that she was irresponsible regarding security flies in the face of every experience I have had with her. We worked together, not only in Lebanon, but also when she the Deputy Chief of Mission in Yemen — both locations with extraordinary security threats. On every occasion she demonstrated extraordinary skill and expertise in making decisions regarding security postures of US facilities and person. She was an extraordinary collaborator and I never any reason to think otherwise.

Our Nation needs her in position as our Department of State CT Coordinator.

Thank you.

Vr,

Joseph L. Votel
General, US Army (Retired)
Former Commander, US Special Operations Command and US Central Command

Senator Robert Menendez
Senator James Risch
Senate Foreign Relations Committee

May 10, 2022

Dear Chairman Menendez:
Dear Ranking Member Risch:

I was shocked to see the article in Politico last night trying to undermine the nomination of Elizabeth Richard. These cowardly individuals waited years to come forward with a highly distorted story to attack a brave and experienced officer who is eminently qualified to be the Department`s coordinator for CounterTerrorism.

I have known Elizabeth Richard about twenty years during her lengthy and diverse service in high profile and dangerous posts. In 2004, I asked her to be the law enforcement representative in Afghanistan when I was the Assistant Secretary for International Narcotics and Law Enforcement. She played a critical role in developing the Afghan police and the Afghan prosecutor's office. She led a team of brave civilians who travelled regularly to rural police bases. She always emphasized to her young and inexperienced team the value of good security practices and consulted closely and constantly with our security professionals.

Some years later, I asked her to join me in Pakistan to handle the critical issue of developing the Pakistan Afghanistan border. The US was almost completely dependent on Pakistan to supply 130,000 American troops in Afghanistan. All the fuel and most other supplies for US troops came across Pakistan to two border crossings into Afghanistan. Elizabeth entirely overhauled these border crossings to benefit our troops in Afghanistan and to reduce smuggling of people and goods into Pakistan. She designed a program to identify fertilizer from Pakistan used in roadside bombs in Afghanistan and worked with fertilizer plants in Pakistan to shut down smuggling. This saved American and Afghan lives.

I was Assistant Secretary for the Middle East when Elizabeth was Ambassador in Lebanon, and I visited her in Beirut in 2016. Lebanon was a dangerous country and there was often threat information against Americans given the presence of Hezbollah. As you would expect from someone with her counter terrorism experience, Elizabeth was entirely attuned to these threats and always took necessary action to protect her staff and the American citizen community. Having served in places like Colombia and Pakistan, I know what good local security looks like. The security apparatus protecting the Embassy and our personnel in Beirut was first rate. There was nothing more important to Elizabeth than the security of her personnel. No one is more qualified to protect both our own personnel and our country from terrorist attacks. I hope the Committee will confirm her quickly.

Sincerely,

Anne Patterson (Retired Amb. to El Salvador, Colombia, Pakistan and Egypt)

Correspondence Supporting the Nomination of Hon. Elizabeth Richard to be Coordinator for Counterterrorism—(continuing)

The Honorable Chairman Senator Menendez

The Honorable Ranking Member Senator Risch,

I write to you today in support of the confirmation of Ambassador Elizabeth H. Richard for the position of Counter-Terrorism Coordinator in the U.S. Department of State. Ambassador Richard has been my colleague and friend since we served together in the U.S. Embassy in Islamabad, Pakistan from 2008 until 2010. As you may recall, this was the period of the Marriott Hotel bombing and other terrorist activity in Islamabad and the height of the Tarik-e Taliban Pakistan's (TTP) success in taking control of territory within 90 miles of the Pakistani capital.

In my experience Ambassador Richard has proven to be not only one of our very best diplomats, but also one of our most highly respected diplomats within senior U.S. military circles. She has earned that respect as a result of her outstanding leadership, teamwork, and total dedication to achieving our U.S. National Security objectives. She also has consistently demonstrated sound judgment and unwavering vigilance to ensuring the safety and security of her U.S. and host nation employees, and all American citizens visiting or residing in a number of high threat countries where she served.

Ambassador Richard is arguably the most informed and experienced senior State Department official in the field of counter-terrorism, having served in Pakistan, Afghanistan, Yemen and Lebanon, and having been intimately involved in coordinating U.S. military counter-terrorism activities in those countries.

I wholeheartedly believe Ambassador Elizabeth H. Richard is the right person at the right time to assume the duties of Counter-Terrorism Coordinator in the U.S. Department of State and humbly request you vote to confirm her today.

Very Respectfully,
Robin L. Fontes
Major General (retired), United States Army
Boise, Idaho

1435 Q Street NW
Washington, DC 20009-3807

May 10, 2022

Chairman Menendez
Ranking Member Risch
Senate Foreign Relations Committee
Washington, D.C.

Dear Mr. Chairman and Ranking Member Risch:

Aware that Ambassador and Career Minister Elizabeth Richard will appear before your committee today for confirmation hearing, I am taking the liberty to write in reaction to the May 9 *Politico* article citing unnamed sources about Ambassador Richard's service leading the U.S. Embassy in Beirut.

As a former chief of mission at Embassy Beirut myself, I am aware of the security considerations that must have guided Ambassador Richard and Embassy Beirut's Emergency Action Committee (EAC) in deciding not to extend the Quick Reaction Force that was deployed in the aftermath of the U.S. assassination of Qassim Suleimani. Having participated in many EAC meetings over the years, I am certain that Ambassador Richard (with her extensive experience working in difficult and challenging postings) and her colleagues, including representatives of the Bureau of Diplomatic Security at the State Department, carefully considered the question of QRF extension. During my tenure in Beirut, one always, inter alia, had to monitor carefully the local reactions, including from Hezbollah, to any Embassy activity and presence: it is inconceivable to me that the QRF presence was not noticed by Hezbollah, whose operatives may have questioned whether QRF deployment was truly only a defensive measure.

In the end, as the *Politico* article itself notes, "Richard's call on the QRF did not have any overt negative implications for the security of the embassy." In other words, she and her EAC, in consultation with the Bureau of Diplomatic Security, made the right decision, allowing the QRF (which was never intended to be a permanent presence) to be deployed elsewhere as needed.

Given Ambassador Richard's real-life exposure to countries affected by terrorist groups such as Hezbollah, I hope the Committee will quickly confirm this distinguished diplomat to be the State Department's Coordinator for Counter-Terrorism.

Sincerely,

Jeffrey Feltman

Correspondence Supporting the Nomination of Hon. Elizabeth Richard to be Coordinator for Counterterrorism—(continuing)

Arlington, VA
May 10, 2022

To the Honorable Robert Menendez,

I respectfully write to convey two related sentiments.

First, to express my professional and personal support for Ambassador Elizabeth Richard's nomination to be the next Coordinator for Counterterrorism at the Department of State. I served with Elizabeth in the US Counterterrorism community for more than a decade of my military career in US Special Operations, and we served together in Pakistan for three of those years. I have also known every CT Coordinator in State Department for the last 20 years, and while all were quite gifted, I believe none of them has had the combination of personal courage, intellectual strength, and deep operational experience that Ambassador Richard possesses.

Second, I wish to convey my personal disagreement with the accusations recently and publicly leveled against Ambassador Richard's performance as US Ambassador to Lebanon. I have also worked with most of the US Ambassadors in Lebanon for the last two decades, and many been extraordinary. Yet, Ambassador Richard has still been the finest to serve there during my career. Beyond Lebanon, I have been privileged to see first-hand how Elizabeth works effectively in some of the most conflict-afflicted areas of the world, and had the privilege to see her consistent personal bravery, her ingenuity, her care & compassion for American and Foreign personnel alike, and her unerring ability to always "think strategically, not just tactically".

Regarding the specific allegation that she is somehow "insubordinate", Ambassador Richard is one of the most faithful, diligent, and consistently respectful US officials I have ever had the privilege to work with. She is never insubordinate, even when peoples' lives are quite literally "on the line". But Elizabeth is always willing to speak-truth-to-the-powerful when appropriate, while nonetheless remaining respectful and mindful of her place in the leadership chain. Perhaps one of the highest compliments I can pay her is that I have personally seen her diligently, energetically, and faithfully implement decisions that I knew she disagreed with, but once the decision was made, had the courage and fortitude to set her personal views aside, and accomplish whatever directive was required.

The Department of State, and all of America, would strategically benefit from Ambassador Richard's confirmation to be the next Coordinator for Counterterrorism at State Department.

Very Respectfully,

Michael K. Nagata
Lieutenant General, US Army (Retired)

NOMINATIONS

WEDNESDAY, MAY 18, 2022

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

The committee met, pursuant to notice, at 10:01 a.m., in Room SD–419, Dirksen Senate Office Building, Hon. Tim Kaine presiding.

Present: Senators Kaine [presiding], Menendez, Cardin, Shaheen, Murphy, Markey, Schatz, Portman, and Hagerty.

OPENING STATEMENT OF HON. TIM KAINE, U.S. SENATOR FROM VIRGINIA

Senator KAINE. Good morning. This hearing of the Senate Foreign Relations Committee will come to order.

We are here to consider four important nominees for critical positions: Elizabeth Bagley to be Ambassador to Brazil, Mari Aponte to be Ambassador to Panama, Dr. Frank Mora to be Permanent Representative to the Organization of American States, and Michelle Kwan to be Ambassador to Belize.

I want to congratulate each of the four of you on these nominations. Thanks for your willingness to serve. Thanks to family and friends who will also bear the burdens of service.

My distinguished colleague, Senator Markey, will introduce Ambassador Bagley. He is a member of this committee and is not here yet, and so I think what I will do is I will introduce the other three members of the panel and cross my fingers that just as I finish Senator Markey will walk in the door.

Senator—so we will begin with Mari Carmen Aponte. She is a former ambassador to El Salvador and the Acting Assistant Secretary of State for Western Hemisphere Affairs. She served on the board of directors of Oriental Financial Group in San Juan, Puerto Rico, and as executive director of the Puerto Rico Federal Affairs Administration at the Commonwealth Federal Agency in Washington D.C. Welcome, Ambassador Aponte.

She currently works as a consultant in Washington, D.C., has previously worked as a consultant and also a law practitioner in both New York and Washington. She earned a BA at Rosemont College in Pennsylvania, a master's degree at Villanova University, and a JD at Temple University Law School. Welcome.

Dr. Francisco Mora is the professor of politics and international relations, and a senior researcher at the Jack D. Gordon Institute for Public Policy at Florida International University.

Earlier in his career, he was the director of the Kimberly Green Latin American and Caribbean Center and FIU's U.S. Green School of International and Public Affairs.

Dr. Mora served as Deputy Assistant Secretary for Defense for the Western Hemisphere. He has held several teaching positions, including professor of national security strategy and Latin American studies at the National War College.

At the National Defense University he earned his BA in international affairs, at George Washington an MA in inter-American studies, and Ph.D. in international affairs from the University of Miami. Welcome.

Michelle Kwan has had a distinguished career in public service, diplomacy, and sports. She is the most decorated figure skater in U.S. history, having won 43 championships, including five world championships, nine national titles, and two Olympic medals.

In addition to that successful career, Ms. Kwan has excelled in foreign affairs. She became the first public diplomacy envoy in 2006, and for a decade travelled extensively on behalf of the Department of State to engage youth around the world on social and educational issues.

She earned a BA from the University of Denver with a focus on international relations, an MA from Tufts University's Fletcher School of Law and Diplomacy, and then became a senior advisor at the Bureau of Educational and Cultural Affairs at the U.S. Department of State.

Senator Markey is not yet here. I think what I will do, Senator Portman, is I will go ahead and provide my opening remarks and have you provide your opening remarks, and we hope at the last sentence of your opening remarks Senator Markey will walk in the room ready to do introduction, and then we will turn to the witnesses for their opening statements.

I now turn to my ranking member for the day, Senator Portman.

Senator PORTMAN. Great. Thank you very much.

Senator KAINE. Actually, let me make my opening remarks first. How about that?

Senator PORTMAN. Andele.

[Laughter.]

Senator KAINE. Andele. Andele, as he said.

Senator PORTMAN. We decided to speak in three languages simultaneously.

Senator KAINE. Yeah. We are going to speak in Portuguese, Spanish, and English today because of the nations that you are here to serve.

Senator PORTMAN. Yes.

Senator KAINE. Congratulations on all the nominations. Representing the U.S. and the American people abroad is an honor and a privilege. I know you know that from your previous experience serving the American people, and with your impressive professional backgrounds you will serve with distinction.

I am pleased to chair this nomination for four very critical nations in the Western Hemisphere: Brazil, Panama, Belize, and not a nation but an organization, the Organization of American States.

The hearing is timely. In fact it could not be more timely. We approach the ninth Summit of the Americas next month in Los Ange-

les. The U.S. will host it for the first time in more than 30 years, and we confront a wide range of challenges but also opportunities in the Western Hemisphere.

Having our best team in the field is critical to advancing U.S. interests with our neighbors. Brazil is Latin America's largest country with over 212 million people and will hold presidential elections this November.

Having an ambassador in place to lead our efforts in strengthening the bilateral relationship on trade, environment, human rights, and security issues with Latin America's largest democracy will be critical.

What Panama lacks in physical size it makes up in geostrategic importance as a vital global trade hub connecting the Pacific and Atlantic Oceans. Panama is an important partner on trade, migration, counter narcotics, and has also sought U.S. support for the Alliance for Development in Democracy.

This Alliance, together with Costa Rica and the Dominican Republic, is a welcome and important development. I hope the Biden administration will continue its support of the Alliance.

The OAS is a critical institution for our region in promoting democracy, human rights, economic and social development, anti-corruption, transparency, and regional security cooperation.

In March, I joined a bipartisan group of my colleagues from this committee and sent a letter to Secretary Blinken to support the efforts to revoke Russia's permanent observer status at the OAS, and I applaud the State Department for taking that step.

The U.S. remains the largest contributor to the OAS, and having a confirmed permanent representative will advance our leadership in this important institution.

Finally, Belize, with which the United States has a close relationship in part due to a strong Belizean community in the United States estimated at more than 85,000, a friendly relationship, though, does not mask some of the real challenges that the people of Belize have faced over the past several years—an economic downturn due to COVID, ensuing high levels of public debt, and like most nations in the region, the flow of migrants through the country.

We can only help Belize effectively address these challenges with a confirmed ambassador in place. The United States has not had a confirmed ambassador in Belize for five years.

The committee looks forward to hearing from each of you today and I look forward to supporting your nominations.

With that, I now—I will give it back to Senator Portman and ask him to make his opening statement.

STATEMENT OF HON. ROB PORTMAN, U.S. SENATOR FROM OHIO

Senator PORTMAN. Thank you, Mr. Chairman, and thanks to all four of you for your willingness to step up and serve our country in capacities that you—some of you have done before.

This is an important opportunity for us to hear from you. I have been asked to do this at the request of Tim Kaine and I never say no to Tim Kaine. We are happy to have this hearing and then, hopefully, move you along quickly to the floor of the Senate and for

getting you in place in these countries, who are in need of someone badly.

Brazil, as we talked about, Ambassador Bagley, in our conversation has so much potential and so much untapped potential. So that will be an interesting opportunity for you, having served in Portuguese, I am sure your Portuguese is up to the task.

COVID–19 has hit Brazil so hard and reversed a lot of the economic gains that they had made. It will be having elections, as you know, on October 2nd. My understanding is those will be intensely contested and I would like to hear what your priorities would be as Ambassador to Brazil, if confirmed.

We have talked about some issues that relate to work in this committee, including the wildlife trafficking legislation we are trying to get passed and how it would be effective in Brazil, and we would love to hear more from you about that today.

Ambassador Aponte, after 40 years Panama is a strong example of a country that has thrown off its authoritarian past and move forward with democracy in an impressive way, but they still struggle on a number of fronts, including controlling corruption, and I hope that we can talk to you a little about that.

In June 2019, the Financial Action Task Force added Panama to its Gray List of countries with weak anti-money laundering provisions, as an example. Hopefully, you can tell us how you would help with regard to that issue.

Dr. Mora, in March, Senator Kaine and I signed a letter to Secretary Blinken urging him to work with like-minded countries to strip Russia of its observer status at the OAS.

I was pleased to see the OAS finally take this step last month—what I said earlier, when Senator Kaine says something people tend to do it, at least in this example. But that is very positive.

I think it is precisely the kind of diplomatic isolation that must be occurring globally right now if we have any chance of getting Russia to pull back on its brutal assault on Ukraine and withdraw its forces from their sovereign territory.

I would say Russia is not the only country of concern for me with regard to the OAS. For example, I am curious as to how you think the OAS should address human rights challenges in Cuba, democratic backsliding, of course, in Nicaragua, also what is going on in Venezuela, and what you would do to support President Guaido's efforts in Venezuela.

Finally, Ms. Kwan, I am eager to hear about your plans and priorities as Ambassador to Belize. What a beautiful country and strong ties to the United States but also a country that has challenges, obviously, on the economic front, COVID and tourism challenges still.

But it also is a country, again, that we care a lot about and are strong allies of ours. One of my concerns about Belize today is what I hear about the traffickers. The drug cartels now are using Belize as a stopping point and that has not been, is my understanding, a big issue in the past but it is now and would like to hear from you about that and what we should be doing.

Also, I think it is interesting that Brazil—I am sorry, Belize, is one of the few countries in the hemisphere that still recognizes Tai-

wan. I was just in Taiwan recently and they very much appreciate that and want to talk to you a little about that.

I am sure Belize is under a lot of pressure from the Chinese to change its allegiance and what can we do to support Belize as they support our allies in Taiwan would be a question I would ask today.

Again, thank you all four for being here, for three of you a rich tradition of public service. For Ms. Kwan, you have been serving in your own way, representing the sport and representing us at the Special Olympics and other important ways to serve. We are, again, pleased that all four of you have agreed to step up and serve in those new capacities.

Senator KAINE. Thank you, Senator Portman.

He is too kind when he says he agreed to co-chair this because I asked him. He also has a real interest in the Americas. We took a bipartisan delegation of senators to Mexico, Guatemala, Colombia, Ecuador about 10 months ago that was very valuable. So thank you, Senator Portman.

And the impeccable timing of our colleague, Senator Markey, who is a friend and a colleague and a valued member of the committee.

Senator Markey, you are up to introduce Ambassador Bagley.

STATEMENT OF HON. EDWARD J. MARKEY, U.S. SENATOR FROM MASSACHUSETTS

Senator MARKEY. Thank you, Mr. Chairman, very much, and it is my pleasure to introduce Ambassador Elizabeth Bagley to be our next ambassador to the Federative Republic of Brazil.

Mr. Chairman, I have proudly lost track of the number of nominees who have come before this committee who are educated in the brain state of Massachusetts, and Elizabeth Bagley is yet the latest example of excellence.

She graduated with honors from Regis College in Weston, Massachusetts. She is also an honors graduate of the Georgetown Law Center and earned a juris doctorate in international law.

Joining Elizabeth today is her talented son Conor, son-in-law, Ben, sister, Ellen. Her daughter, Vaughan, could not be here in person today because she is at the White House right now participating in the First Ladies Youth Mental Health Action Forum, carrying on the tradition of health service that her mother has dedicated her career to. But we know that Vaughan shares pride in [inaudible] there.

Looking down proudly from Heaven, no doubt, is Elizabeth's mother, Rosemary, and her father, John—Judge John Frawley, who would have turned 100 years old today, and I know how proud—on this day. Dedication to public service is really a family affair.

Elizabeth's diplomatic career spans four different administrations. She has participated in some of the most significant diplomatic milestones of the last century.

She served as congressional liaison to the Panama Canal treaties. She backstopped senior officials negotiating the Camp David Accords, which set the framework for an enduring peace between Israel in Egypt, and she was on the U.S. delegation to the Con-

ference on Security and Cooperation in Europe at a time that the United States and much of Europe was united against the Soviet Union's invasion of a sovereign country, Afghanistan.

The role of managing a U.S. mission in a Portuguese-speaking country is not new to Elizabeth. The Senate confirmed Elizabeth unanimously to serve as Ambassador to our NATO ally, Portugal, in 1994, the first woman to ever fill that role.

In Elizabeth, the men and women of the Foreign Service as well as locally employed staff in Portugal had a committed advocate. She established a daycare service at the embassy, one that has seen hundreds of children come through its doors ever since.

Upon her return to Washington, former Secretary of State Madeleine Albright entrusted Elizabeth to stand up the Office of Media Acquisition to help the newly independent Balkan states establish a free media—a cornerstone of any democracy—and years later, Elizabeth returned to Foggy Bottom to serve in a number of other key senior roles, including as Special Representative for Global Partnerships and as our representative to the United Nations General Assembly, a position for which she was unanimously confirmed again by the Senate.

Our bilateral relationship with Brazil will require a forceful spokesperson in Brasilia, particularly as the country prepares for contentious presidential elections in October.

Elizabeth's background in public diplomacy and journalism, along with her proven and effective diplomatic skill, give her an undeniable voice. We need that voice to put climate diplomacy at the forefront and win stronger commitments from Brazil to protect the Amazon rainforest, the lungs of the world, from deforestation, and we will need to continue to help the country recover from the COVID–19 pandemic and its compounding economic effects.

And Elizabeth's perfeito command of Portuguese means that she will enter the role with a voice that all of her colleagues will understand.

Mr. Chairman, Elizabeth's experience and unmatched experience makes her a tremendous pick, a perfect pick, to serve as our Ambassador to South America's most populous country and one of the world's most powerful economies.

I urge swift confirmation for my friend, Elizabeth Bagley. She will serve our country very well in this time of great need for diplomatic envoys around the world.

I thank you, Mr. Chairman.

Senator KAINE. Thank you, Senator Markey.

And we will now have opening statements of the nominees and we will begin with Ambassador Bagley, then Ambassador Aponte, Dr. Mora, and Ms. Kwan.

STATEMENT OF HON. ELIZABETH FRAWLEY BAGLEY OF FLORIDA, NOMINATED TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATIVE REPUBLIC OF BRAZIL

Ambassador BAGLEY. Thank you.

Thank you, Mr. Chairman, and thank you, Senator Markey, for those laudatory remarks. It was very, very nice of you. We go back I cannot tell you how many years, probably 40 years, but appre-

ciate all you have done especially on the subject of climate change, and if confirmed, that would, certainly, be one of my top priorities. I thank you for that.

Mr. Chairman, Ranking Member, members of the committee, it is my distinct honor to appear before you today as the nominee to serve as the U.S. Ambassador to the Federative Republic of Brazil. I am deeply grateful that President Biden and Secretary Blinken placed their trust in me to take on this important role.

I want to thank my daughter, Vaughan, who as Senator Markey said, is at the White House as we speak, her husband, Ben, who is here, my son, Conor, for their love and unwavering support. My sister, Ellen, the youngest of the eight children—I am number two, she is number eight—she is also here with me.

Twenty-eight years ago in June of 1994, I came before this committee as President Clinton's nominee to be U.S. Ambassador to Portugal and it was the highest privilege of my life to represent my country there. My children were then four years old and 10 months old. So we have all come a long way since then, and I know my beloved husband and parents are smiling down from above.

As Senator Markey said, today would have marked the 100th birthday of my father, who, with my mother, taught me and my seven brothers and sisters that to whom much is given much is expected, as they themselves led a life of purpose—my father as a lawyer and a judge for 50 years and my mother as a social worker.

If given the opportunity, serving as the U.S. Ambassador to Brazil would be the capstone of my career in public service, diplomacy, and law, which spans over four decades.

I have learned from and advised Secretaries of State John Kerry, Hillary Clinton, and the late Madeleine Albright over more than 20 years of service to the Department of State.

I was deeply honored to serve as the U.S. Ambassador to Portugal from 1994 to 1997, a period in which we made great strides in our bilateral relationship as well as with NATO.

I am cognizant of the importance of our deep and historic relationship with Brazil, which has the largest population, economy, territory, and military in Latin America. This year marks the 200th anniversary of Brazil's independence and of the United States becoming the first country to recognize Brazil.

Today, we are building on our long history of cooperation to take on shared challenges and priorities. A country with strong democratic institutions, an open economy and a regional and multilateral leadership role, Brazil is a strategic partner and, if confirmed, I plan to build on that partnership to further enhance our bilateral ties.

If confirmed, my first priority would be to ensure the continued safety and security of the approximately 200,000 U.S. citizens who reside in or travel to Brazil each year. I would also work to protect the interests of the more than 1,400 American and Brazilian professionals who comprise the U.S. mission in Brazil.

Our relationship with Brazil is grounded in shared commitments to democracy and human rights, economic prosperity, security, and the rule of law.

The United States engages Brazil through the U.N. Security Council, the U.N. Human Rights Council, and many regular bilat-

eral dialogues on a full range of issues highlighted by the U.S.-Brazil High Level Dialogue held in Brasilia on April 25th and co-chaired by Undersecretaries of State Nuland and Fernandez.

If confirmed, I will work to further strengthen this wide-ranging dialogue. I also will affirm our confidence in Brazil's democratic institutions and electoral system, and the importance of maintaining public trust in that system ahead of Brazil's October national elections.

Our support for Brazil as it combats threats from transnational criminal organizations should be based on a foundation of respect for human rights for all Brazilians.

I will reinforce the U.S. commitment to strengthening democracy, human rights, and the rule of law in Brazil and throughout the hemisphere. Our bilateral trade has rebounded from the pandemic, demonstrating the enormous potential of our commercial relationship.

Brazil represents a vital market for a range of U.S. industries. We are Brazil's largest foreign investor and its second largest trading partner and, if confirmed, I intend to broaden these economic ties and expand our bilateral trade.

The steps Brazil has taken to join and align with the Organization for Economic Cooperation and Development signal its commitment to sustainable economic growth and financial stability.

Brazil is home to 30 percent of the world's tropical rainforests, including 60 percent of the Amazon, the largest and most biodiverse tropical rainforest in the world, and as Senator Markey said, the lungs of the world.

If confirmed, one of my top priorities will be to encourage efforts to increase climate ambition, dramatically reduce deforestation, protect forest defenders, and prosecute environmental crimes and related acts of violence.

Mr. Chairman, Ranking Member, committee members, if I am confirmed, it would be my honor to represent the people of the United States of America to the Government and people of Brazil.

I would look forward to collaborating with this committee and with your professional staff to further U.S. interests in Brazil. I thank you for the opportunity to appear before you today and I welcome your questions.

[The prepared statement of Ms. Bagley follows:]

PREPARED STATEMENT OF HON. ELIZABETH FRAWLEY BAGLEY

Mr. Chairman, Ranking Member, members of the committee—It is my distinct honor to appear before you today as the nominee to serve as the U.S. Ambassador to the Federative Republic of Brazil. I am deeply grateful that President Biden and Secretary Blinken placed their trust in me to take on this important role.

I want to thank my daughter, Vaughan, her husband Ben, and my son Conor for their love and unwavering support. Twenty-eight years ago in June 1994, I came before this committee as then President Clinton's nominee to be U.S. Ambassador to Portugal, and it was the highest privilege of my life to represent my country there. My children were then four years old and 10 months old, so we have all come a long way since then, and I know my beloved husband and parents are smiling down from above. In fact, today would have marked the 100th birthday of my father who, with my mother, taught me and my 7 brothers and sisters that to whom much is given, much is expected as they themselves led a life of purpose: my father as a lawyer and judge for 50 years and my mother as a social worker.

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decades. I have learned from and advised Secretaries of State John Kerry, Hillary Clinton, and the late Madeleine Albright over more than 20 years of service at the Department of State I was deeply honored to serve as the U.S. Ambassador to Portugal from 1994 to 1997, a period in which we made great strides in our bilateral relationship as well as with NATO.

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Our relationship with Brazil is grounded in shared commitments to democracy and human rights, economic prosperity, security, and the rule of law. The United States engages Brazil through the United Nations Security Council, Human Rights Council, and many regular bilateral dialogues on a full range of issues, highlighted by the U.S.-Brazil High-Level Dialogue held in Brasilia on April 25 and co-chaired by Under Secretaries of State Nuland and Fernández. If confirmed, I will work to further strengthen this wide-ranging dialogue.

If confirmed, I will affirm our confidence in Brazil's democratic institutions and electoral system and the importance of maintaining public trust in that system ahead of Brazil's October national elections. Our support for Brazil as it combats threats from transnational criminal organizations should be based on a foundation of respect for human rights for all Brazilians. I will reinforce the U.S. commitment to strengthening democracy, human rights, and the rule of law in Brazil and throughout the hemisphere.

Our bilateral trade has rebounded from the pandemic, demonstrating the enormous potential of our commercial relationship. Brazil represents a vital market for a range of U.S. industries. We are Brazil's largest foreign investor and its second-largest trading partner and if confirmed, I intend to broaden these economic ties and expand our bilateral trade. The steps Brazil has taken to join and align with the Organization for Economic Cooperation and Development signal its commitment to sustainable economic growth and financial stability.

Brazil is home to 30 percent of the world's tropical rainforests, including 60 percent of the Amazon, the largest and most biodiverse tropical rainforest in the world. If confirmed, one of my top priorities will be to encourage efforts to increase climate ambition, dramatically reduce deforestation, protect forest defenders, and prosecute environmental crimes and related acts of violence.

Mr. Chairman, Ranking Member, and committee members, if confirmed, it would be my honor to represent the people of the United States of America to the Government and people of Brazil. I would look forward to collaborating with this committee and your professional staff to further U.S. interests in Brazil.

I thank you for the opportunity to appear before you today and welcome your questions.

Senator KAINE. Thank you. Thank you, Ambassador Bagley.

Ambassador Aponte?

STATEMENT OF HON. MARI CARMEN APONTE OF FLORIDA, NOMINATED TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PANAMA

Ambassador APONTE. Good morning, Mr. Chairman, Ranking Members, and all members of the committee. I am accompanied this morning by my younger and only sister, who has been a bedrock of my support; and also with me, I am deeply honored to have Felix Rodriguez, who is an icon in the Cuban-American community, not only because of his role in capturing Che Guevara but also because of his steadfast support for democracy throughout the continent.

So I am very pleased to have been nominated. I also feel honored and grateful for the trust and confidence President Biden and Secretary Blinken placed in me by nominating me to serve as United States Ambassador to the Republic of Panama.

It is an honor to appear before you for the second time, after having served as Ambassador to El Salvador and as Assistant Secretary of State for the Western Hemisphere. I look forward to discussing my view of the bilateral relationship and how I will make it even more productive and dynamic, if confirmed as Ambassador.

The United States and Panama have a long history of partnership and cooperation to advance mutual goals. We remain Panama's largest trade partner and its number-one source of foreign direct investment.

Panama's location and growing global trade due to the Panama Canal makes its success important to both U.S. prosperity and national security. Traffic to or from the United States represents nearly 70 percent of all Panama's transit.

Panama's strategic location of major land and sea transit routes makes it critical in the interdiction of illicit drugs destined for the United States and a vital partner in addressing irregular migration.

As a carbon negative country, Panama has the potential to serve as an environmental model not only for the region but also for the world.

While Panama and the United States have our own historical, cultural, and economic ties, challenges exist in regard of our relationship. Each year, thousands of migrants take a perilous journey through the Darien Gap, many passing through Panama on their way to the United States.

We must find more ways to work together to manage migration, provide protection, and give potential irregular migrants incentives to remain in their home countries.

We must also continue to promote democratic governance and rule of law. Corruption, a serious challenge in Panama, has a corrosive effect on many layers of the state. We must not allow it to progress further.

The Government efforts to enforce recent anti-money laundering reforms and to correct efficiencies acquired for Panama's removal from the Financial Action Task Force's Grey List will determine Panama's financial stability and attractiveness to investors.

Panama also suffers from organized criminal activity, which threatens to undermine democratic institutions and economic prosperity. If confirmed, I will use my position as Ambassador to strengthen our relationship with Panama and build the security and prosperity of the entire region.

This includes our engagement with Panamanian Government ministries, civil society, and the private sector to showcase our strong partnership and hedge against problematic PRC influence on activities.

We need a stable, strong, and secure Panama and Panama needs the United States as a friend, ally, and partner. Effective implementation of U.S. foreign policy in Panama requires a cohesive, diligent, and effective whole of U.S. Government team and we have an extraordinary interagency embassy team in Panama.

The mission's efforts center on the strategic work of ensuring the United States remains a valued partner, collaboratively managing migration through the Darien and the battle against corruption, which threatens the foundations of institutional democracy.

Just as I did in El Salvador as U.S. Ambassador there, I want to empower and listen to the embassy team to make the bilateral relationship stronger, more effective, and more dynamic.

If confirmed, I will prioritize strengthening diversity and inclusion. I commit to ensuring our workplace remains a safe, fair, and just space for all.

The challenges we face now more than ever call for strong, smart, and vibrant diplomacy. Panama can and should serve as a key player in confronting Central America's challenges.

We will strengthen bilateral ties by reaching out to the complete spectrum of Panamanian society, not just to government leaders and the country's elite but to community leaders, minority and women's groups, youth, and all facets of civil society. We are going to do this with Panama hand in hand so that, together, we can move forward stronger.

If confirmed, I will lead our embassy team in Panama City with pride and dedication. I look forward to keeping you appraised of our progress. I will prioritize protecting U.S. citizens in Panama while championing the interests of the United States in cooperation with our Panamanian friends.

Thank you for the opportunity to appear before you and I look forward to answering your questions.

[The prepared statement of Ms. Aponte follows:]

PREPARED STATEMENT OF HON. MARI CARMEN APONTE

Chairman, Ranking Member, distinguished members of the committee, I feel honored and grateful for the trust and confidence President Biden and Secretary Blinken placed in me by nominating me to serve as United States Ambassador to the Republic of Panama. It is an honor to appear before you for the second time, after having served as Ambassador to El Salvador and Acting Assistant Secretary of State for the Western Hemisphere. I look forward to discussing my view of the bilateral relationship and how I will make it even more productive and dynamic if confirmed as ambassador.

The United States and Panama have a long history of partnership and collaboration to advance mutual goals. We remain Panama's largest trade partner and its number one source of foreign direct investment. Panama's location and role in global trade, due to the Panama Canal, make its success important to both U.S. prosperity and national security. Traffic to or from the United States represents nearly seventy percent of all Canal transits.

Panama's strategic location along major land and sea transit routes makes it critical in the interdiction of illicit drugs destined for the United States and a vital partner in addressing irregular migration. As a carbon negative country, Panama has the potential to serve as an environmental model not only for the region but for the world.

While Panama and the United States have ample historical, cultural, and economic ties, challenges exist in the bilateral relationship. Each year, thousands of migrants take a perilous journey through the Darién Gap, many passing through Panama on their way to the United States. We must find more ways to work together to manage migration, provide protection, and give potential irregular migrants incentives to remain in their home countries.

We must also continue to promote democratic governance and rule of law. Corruption, a serious challenge in Panama, has a corrosive effect on many layers of the state; we must not allow it to progress further. The Government efforts to enforce recent anti-money laundering reforms and to correct deficiencies required for Panama's removal from the Financial Action Task Force's Grey List will determine Panama's financial stability and attractiveness to investors. Panama also suffers from

organized criminal activity, which threatens to undermine democratic institutions and economic prosperity.

If confirmed, I will use my position as ambassador to strengthen our relationship with Panama and build the security and prosperity of the entire region. This includes continuing our engagement with Panamanian Government ministries, civil society, and the private sector to showcase our strong partnership and hedge against problematic PRC influence and activities. We need a stable, strong, and secure Panama, and Panama needs the United States as a friend, ally, and partner.

Effective implementation of U.S. foreign policy in Panama requires a cohesive, diligent, and effective whole-of-U.S.-Government team, and we have an extraordinary interagency embassy team in Panama. The Mission's efforts center on the strategic work of ensuring the United States remains a valued partner, collaboratively managing migration through the Darién, and the battle against corruption that threatens the foundations of institutional democracy. Just as I did in El Salvador as U.S. Ambassador there, I want to empower and listen to the Embassy team to make the bilateral relationship stronger, more effective, and more dynamic. If confirmed, I will prioritize strengthening diversity and inclusion. I commit to ensuring our workplace remains a safe, fair, and just space for all.

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If confirmed, I will lead our Embassy team in Panama City with pride and dedication and look forward to keeping you apprised of our progress. I will prioritize protecting U.S. citizens in Panama while championing the interests of the United States in cooperation with our Panamanian friends.

Thank you for the opportunity to appear before you today. I look forward to answering your questions.

Senator KAINE. Thank you, Ambassador Aponte.

Dr. Mora?

STATEMENT OF DR. FRANCISCO O. MORA OF FLORIDA, NOMINATED TO BE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION OF AMERICAN STATES, WITH THE RANK OF AMBASSADOR

Mr. MORA. Thank you, Chairman Kaine, Ranking Member Portman, and members of the committee. I am honored to appear before you today as President Biden's nominee to be the United States Permanent Representative to the Organization of American States.

I am deeply grateful to President Biden and Secretary Blinken for the support and confidence they have placed in me.

I would like to begin by expressing my gratitude to members of my family: my wife, Ivette, of 28 years and children, Daniella and Frankie, without whose love and constant support I very much likely would not be here today, and my wife, Ivette, and daughter, Daniella, join me here today.

To my parents watching from home, Nivardo and Mirka, who recently celebrated their 60th wedding anniversary, thank you for your unwavering love and support, for the many sacrifices you made after fleeing from communist Cuba so that my brother, Jorge, and I could have the opportunity to fulfill our dreams and give back to a country that so generously provided for our family.

The countries of the Western Hemisphere are facing unprecedented challenges, as this committee knows. The COVID–19 pandemic has wrought incalculable human and economic cost.

The climate crisis threatens the health and well being of the people of the Americas. Inequity, corruption, poor governance, public security challenges, irregular migration, democratic backsliding are limiting individuals' ability to build better futures in the region.

The OAS, I believe, provides the only effective regional forum for coordinating multilaterally on issues that concern our hemisphere. From the climate crisis to supporting marginalized and vulnerable communities and championing democracy and human rights, the OAS can implement solutions more efficiently and effectively with regional political buy-in.

The participation of the United States at the OAS reinforces our commitment to multilateralism as the most appropriate vehicle to address our shared governance and development challenges, to promote regional economic prosperity, to ensure the safety and security of our peoples, and to hold countries accountable for their treatment of citizens.

The answer to so many of these challenges involves improving government's ability to effectively provide for their people. I believe democracy is the best system for providing that governance and, if confirmed, I am committed to vigorously promoting democracy and human rights at the OAS, the premier regional forum to advocate for our cherished shared values.

As we all know, democratic institutions and civil liberties are under attack throughout the hemisphere. We have witnessed backsliding in many countries and are deeply concerned about the systemic repression and lack of free and fair elections in Nicaragua and Venezuela.

In Cuba, the Cuban regime continues to deny its citizens even basic freedoms, as we saw during the July 11th and November 15th, 2021, protest and the subsequent mass imprisonment of dissidents, human rights activists, and, more recently, children, for insisting on the right to live in freedom. The OAS must respond in a concerted way to these massive abuses of human dignity.

If confirmed, you can be sure that I will forcefully highlight the struggle of Cubans on the island in their fight for freedom and human rights. The Inter-American Democratic Charter remains a critical document at the OAS for the defense of democracy in the Americas.

If confirmed, I will continue to be a strong advocate for the values and principles enshrined in this and in other guiding documents and institutions, such as the Inter-American Commission on Human Rights, which I will strongly support.

One of my priorities as U.S. Ambassador, if confirmed, will be to continue to advocate for OAS reform consistent with the OAS Revitalization and Reform Act of 2013. It is essential this be a shared priority for each member state and the OAS leadership, as it is in our collective interest to ensure a strong OAS remains focused on its core competencies.

I also want to assure that we will remain committed to advancing the objectives of the OAS Legislative Act of 2020. If confirmed, I also will work to support the United States leadership of the Ninth Summit of the Americas. I look forward to working with the OAS to implement our leaders' commitment at the summit that will be held in June in Los Angeles.

In closing, I would like to underscore the critical importance of the OAS Permanent Council suspending Russia's permanent observer status over its war in Ukraine and gross violations of human rights. It has sent an important message from this hemisphere of our solidarity with the people of Ukraine.

Mr. Chairman, Ranking Member Portman, and members of the committee, thank you for giving me the opportunity to appear before you today. If confirmed, I very much look forward to working closely with you and other members of the Congress to advance U.S. interests.

I welcome your comments and look forward to answering your questions. Thank you.

[The prepared statement of Mr. Mora follows:]

PREPARED STATEMENT OF DR. FRANCISCO O. MORA

Chairman Kaine, Ranking Member Portman, and members of the committee, I am honored to appear before you today as President Biden's nominee to be the United States Permanent Representative to the Organization of American States. I'm deeply grateful to President Biden and Secretary Blinken for the support and confidence they have placed in me.

I would like to begin by expressing my gratitude to members of my family: my wife of 28 years Ivette, and children, Daniella, and Frankie, without whose love and constant support I very likely would not be here today. To my parents watching from home—Nivardo and Mirka—who recently celebrated their 60th wedding anniversary, thank you for your unwavering love and support and for the many sacrifices you made after fleeing from Communist Cuba, so that my brother Jorge and I could have the opportunity to fulfill our dreams and give back to a country that so generously provided for our family.

The countries of the Western Hemisphere are facing unprecedented challenges. The COVID–19 pandemic has wrought incalculable human and economic costs. The climate crisis threatens the health and well-being of people in the Americas. Inequity, corruption, poor governance, public security challenges, irregular migration and democratic backsliding are limiting individuals' ability to build better futures.

The OAS provides the only effective regional forum for coordinating multilaterally on issues that concern our hemisphere. From the climate crisis to supporting marginalized and vulnerable communities, and championing democracy and human rights, the OAS can implement solutions more efficiently and effectively with regional political buy-in.

The participation of the United States at the OAS reinforces our commitment to multilateralism as the most appropriate vehicle to address our shared governance and development challenges, to promote regional economic prosperity, to ensure the safety and security of our peoples, and to hold countries accountable for their treatment of citizens.

The answer to so many of these challenges involves improving governments' ability to effectively provide for their people. I believe democracy is the best system for providing that governance. If confirmed, I am committed to vigorously promoting democracy and human rights at the OAS, the premier regional forum to advocate for our cherished shared values.

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The Inter-American Democratic Charter remains a critical document at the OAS for the defense of democracy in the Americas. If confirmed, I will continue to be a strong advocate for the values and principles enshrined in this and other guiding

documents and institutions, such as the Inter-American Commission on Human Rights, which I will strongly support.

One of my priorities as U.S. Ambassador, if confirmed, would be to continue to advocate for OAS reform consistent with the "OAS Revitalization and Reform Act of 2013." It is essential this be a shared priority for each member state and OAS leadership—as it is in our collective interest to ensure a strong OAS remains focused on its core competencies. I also want to assure that we will remain committed to advancing the objectives of the "OAS Legislative Engagement Act of 2020."

If confirmed, I also will work to support the United States' leadership of the Ninth Summit of the Americas and look forward to working with the OAS to implement our leaders' commitments at the Summit in Los Angeles in June.

In closing, I would like to underscore the critical importance of the OAS Permanent Council suspending Russia's Permanent Observer status over its war in Ukraine and gross human rights violations. It sent an important message of our region's solidarity with the people of Ukraine.

Mr. Chairman, Ranking Member Portman, and members of the committee, thank you for giving me the opportunity to appear before you today. If confirmed, I very much look forward to working closely with you and other members of Congress to advance U.S. interests. I welcome your comments and look forward to answering your questions.

Senator KAINE. Dr. Mora, thank you very much.

Finally, Ms. Kwan?

Welcome.

STATEMENT OF MICHELLE KWAN OF CALIFORNIA, NOMINATED TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELIZE

Ms. KWAN. Thank you so much.

Mr. Chairman, Mr. Ranking Member, and distinguished members of the committee, it is an honor to be here today as President Biden's nominee as the U.S. Ambassador to Belize. I want to thank President Biden for placing such trust in me and I would like to thank my friends, my family, and my colleagues for all their support. I want to give a special thank you to my parents, Danny and Estella Kwan, for sacrificing so much for me.

Throughout my life, I have worn many different hats, and I believe there is no higher honor than serving our country. As an athlete, I was proud to win five world championships and two Olympic medals while representing the United States.

I also served as a Special Olympics board member, an author, and a diplomat, having worked as a senior advisor and public diplomacy envoy with the Department of State.

Service has always been a calling and, if confirmed, it will continue to be what guides me as I serve our country as the U.S. Ambassador to Belize.

The United States and Belize share strong bilateral relations. Over 1 million tourists from the United States visit Belize annually and approximately 30,000 U.S. citizens live in Belize and more than 85,000 Belizeans live in the United States.

The roots of both our government and people-to-people ties run deep. Belize is a vibrant democracy with a commitment to upholding shared democratic values. Its geostrategically important position bridges Central America and the Caribbean.

Belize has challenges exacerbated by the ongoing pandemic. The economy shrank by about 16 percent in 2020, particularly hitting the tourism sector, Belize's lifeblood.

The Belizean Government works to manage the spread of COVID–19 effectively, and it has contained the spread of the virus better than most countries. Still, Belize has felt its crippling effects. We are working together to tackle this and other challenges.

The United States has donated 228,150 doses of vaccine to Belize, provided $300,000 in COVID–19 assistance, and has assisted Belize with more than $4 million worth of COVID mitigation projects together with Baylor University.

Belize joined the United States on May 12th in co-hosting the second Global COVID–19 Summit as the CARICOM chair, demonstrating the Government of Belize's success in managing the COVID–19 pandemic.

And here is another example of working together. In December 2021, the Millennium Challenge Corporation selected Belize to develop a five-year compact, a partnership that could inject hundreds of millions of dollars to improve infrastructure, reduce poverty, and create a brighter future for all Belizeans.

In November 2021, the U.S. International Development Finance Corporation provided $610 million in political risk insurance in support of an innovative debt conversion that not only cut Belize's sovereign debt burden in half but also supported projects to protect 30 percent of its ocean through a Blue Bond financial deal.

Belize and the United States enjoy a strong partnership on security cooperation and Belize cooperates closely with the United States in efforts to deter and disrupt narcotics and human trafficking and other illicit activities by transnational criminal organizations.

The United States assists Belize through programs to improve border security, professionalize police, and strengthen the rule of law. If confirmed, I will work to continue and expand these efforts for the benefit of Belizean citizens and the many U.S. citizens who reside in and visit Belize.

Building upon shared regional efforts to address migration, I will work to strengthen cooperation with Belize on humane migration management and protection. While we work with Belize to confront the challenges the country faces, we should also seize opportunities to advance our mutual interests.

Belize's ties with Taiwan are an example. If confirmed, I will continue to encourage strong ties to Taiwan, a significant partner that shares our democratic values.

The United States and Belize also have mutual interest in bolstering its energy sector, which presents opportunities for U.S. investment that can benefit both our countries.

With the average age of Belizeans as 25 years, we must work together to create new learning and economic opportunities. I plan to lean on my international experience to encourage robust educational, sporting, and other exchanges between the United States and Belize to enhance the bilateral relationship on all levels.

In conclusion, Mr. Chairman, Mr. Ranking Member, members of the committee, if confirmed, I will take my role as the Ambassador with the same work ethic, persistence, and determination I have used to achieve results for my country.

I will advance U.S. interests and promote American democratic values and I will be a strong champion of service to others while working to advance this important bilateral relationship.

Thank you for the opportunity to appear here today. If confirmed, I look forward to working closely with this committee and I look forward to answering your questions.

[The prepared statement of Ms. Kwan follows:]

PREPARED STATEMENT OF MICHELLE WINGSHAN KWAN

Mr. Chairman, Ranking Member, and distinguished members of the committee, it is an honor to be here today as President Biden's nominee as the U.S. Ambassador to Belize. I want to thank President Biden for placing such trust in me, and I would like to thank my friends, family, and colleagues for all their support.

want to give a special thank you to my parents Danny and Estella Kwan, who have sacrificed so much for me.

Throughout my life, I have worn many different hats and I believe there is no higher honor than serving our country. As an athlete, I was proud to win five world championships and two Olympic medals while representing the United States. I also served as a Special Olympics board member, an author, and a diplomat, having worked as a senior advisor and public diplomacy envoy with the Department of State. Service has always been a calling and, if confirmed, it will continue to guide me as I serve our country as the U.S. Ambassador to Belize.

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Thank you for the opportunity to appear here today. If confirmed, I look forward to working closely with this committee. I look forward to your questions.

Senator KAINE. Ms. Kwan, thank you very much.

Before we begin questions, I have housekeeping matters. These are questions that we ask of all nominees, and I would ask them to you to gauge your responsiveness as potential executive branch employees to congressional oversight, and I would ask that each of you just provide a yes or no answer to these questions.

First, do you agree to appear before this committee and make officials from your office available to the committee and designated staff when invited?

[All witnesses answer in the affirmative.]

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

[All witnesses answer in the affirmative.]

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

[All witnesses answer in the affirmative.]

Senator KAINE. Finally, do you commit to promptly responding to requests for briefing and information requested by the committee and its designated staff?

[All witnesses answer in the affirmative.]

Senator KAINE. Thank you for those answers. We will now proceed with questions, and the norm on this committee is we proceed and alternate between Democrats and Republicans in order of seniority, beginning with everyone who was here at the gavel either in person or by WebEx, and then we represent more later—we recognize more later arrivals later in the order.

I am going to make two alterations to the norm that will not disadvantage any of my colleagues who want to ask questions. I am going to save my questions for the end, since I am going to be here the entire hearing, and I am going to recognize Senator Menendez, the chair of the committee, when he arrives when it is next time for a Democrat to question.

So with that, I will ask Senator Portman to begin.

Senator PORTMAN. Great. Thank you, Mr. Chairman, and I thought your answers to those questions that the Chairman posed were very succinct—yes, no.

[Laughter.]

Senator PORTMAN. I am not going to ask you to be quite that succinct in response to these but try to be succinct because I am going to attempt in five minutes to get to everybody.

First, Ambassador Bagley, you and I talked about the Wildlife Trafficking Act and Brazil has been designated as a focus country by the U.S. Government's Presidential Task Force on Trafficking.

As you know, we have legislation to try to make that permanent—Senator Coons and I—before this committee, in fact.

Will you commit to working with this Presidential Task Force to ensure we have an effective strategic plan with Brazil and help facilitate U.S. efforts in Brazil to address the illegal wildlife trade?

Ambassador BAGLEY. Absolutely, Senator, and thank you for all your work and all your efforts on that and also on the tropical rainforest bill that you authored and continued to sponsor.

I believe they have—you have succeeded in having more funding for that, as well as renewal. So, absolutely, I will do that. Wildlife trafficking is a huge problem in the Amazon, especially.

Senator PORTMAN. I think with your commitment to this Brazil could be a model country.

Ambassador BAGLEY. I hope so.

Senator PORTMAN. And with regard to the Tropical Forest Conservation Act, which is a debt for nature swap, we have done deals with Brazil under that legislation. We cannot any longer because they do not have any other concessional debt from the United States. However, would you work with us to look at other debt including the IMF debt?

Ambassador BAGLEY. Yes, absolutely.

Senator PORTMAN. Yeah. I think that that could be an interesting opportunity to make Brazil a model country on preserving tropical forests.

You and I have talked about Russia and its presence in Brazil. We appreciated Brazil voting with us at the U.N. to condemn Russia's assault on Ukraine. They do still get a lot of stuff from Russia, including fertilizer.

Will you work with Brazil to try to be even tougher with regard to sanctions on Russia?

Ambassador BAGLEY. Yes, absolutely. In fact, we are working with them on the fertilizer issue and there is a U.N. conference today that is headed by Secretary Blinken on food security and the agriculture minister of Brazil is attending. So they are already working, and I will continue.

Senator PORTMAN. Great. Thank you.

Ambassador Aponte, one of the concerns I have about Panama is the increasing presence of China. I noticed that President Varela switched the diplomatic relations from Taiwan to the People's Republic of China. And what are your views regarding China's presence in Panama, the Panama Canal, and Central America in general and why should the average person in Panama care about Chinese behavior in their country?

Ambassador APONTE. I think that pursuing and making sure that the United States' influence is preserved in Panama as a reliable partner, based on the shared democratic values as well as the long track record of working on successful projects together, is important.

The influence of the PRC is being seen now more fluidly not only in Panama but all over. The reason why Panamanians should care is because as the PRC comes in and starts working on infrastructure projects, which will be used by all Panamanians, they need to take a look and be vigilant as to the quality of the construction and

the quality of the projects and compare that to the quality of projects that are built with the United States.

I also think that, in general, the—if confirmed, I will keep a very close eye as to whether the PRC is following through in all the promises they make. They seem to over promise but not necessarily to deliver on what they have promised.

Senator PORTMAN. Thank you. I would agree with that. Also, the debt that is incurred and, ultimately, affects the people of Panama.

Dr. Mora, I have lots of questions for you but no time to ask them. So I would just say would you agree that Russia should not become an observer again until they are out of Ukraine altogether?

Mr. MORA. That is correct. Thank you, Senator. And in fact, the resolution that was passed by 25 members is clear as to what are the conditions under which possibly they could come back.

But it is unlikely. There is a broad coalition within the OAS to condemn. It says something about the hemisphere and about the number of states who have stood by the Ukrainian people in their struggle.

Senator PORTMAN. Thank you for continuing to help them stand strong with our ally in Ukraine.

Ms. Kwan, we have 17 seconds. I had three questions for you but now I will just ask one that I was not going to ask. Why Belize?

Ms. KWAN. I am honored to be nominated by President Biden to Belize. If confirmed, I will ensure that I will continue to build better bilateral relations between the two countries and ensure that Belize continues to be a champion of democracy.

And I know we only have 11 seconds, but border security, citizens security, and ensuring the safety of American citizens and residents, reinforce and strengthen the rule of law, combat transnational criminal organizations and build commercial ties between the United States and seek opportunities for Americans to invest in Belize that are eco-friendly, sustainable, and pro-growth to tax and investment laws in Belize.

Senator PORTMAN. Great. And you did not even mention you are interested in increasing cooperation in the sports world. So it sounds like you have done your homework and we appreciate your willingness to step up and serve in this capacity.

Thank you, Mr. Chairman.

Ms. KWAN. Thank you, Senator.

Senator KAINE. Senator Cardin?

Senator CARDIN. Thank you, Mr. Chairman. Let me thank all of our nominees for their willingness to serve our country, in some cases, to continue to serve our country.

We appreciate that very, very much and we thank you for your families as well, as we know that this is going to be a sacrifice that a family needs to make in regards to public service. Thank you all.

Dr. Mora, I want to start, if I might, on the OAS. We had a conference call yesterday, Senator Wicker and I, with parliamentarians in our hemisphere. The Congress passed a little over a year ago legislation to have our mission institute a stronger parliamentary dimension within OAS similar to what is in OSCE with the Parliamentary Assembly.

Can you just tell me your views as to how you would attempt to implement the parliamentary—a stronger parliamentary dimension within the OAS?

Mr. MORA. Thank you, Senator, and I appreciate your interest and your leadership on this role. We had an opportunity to talk about it briefly.

I know that that the OAS mission and your staff and others have been working very hard to launch a meeting of legislators in the Western Hemisphere.

I think, Senator, this is critical at a time, as I mentioned in my opening statement, of democratic backsliding, of lack of trust in democratic institutions, and I think this level of cooperation, coordination, and dialogue among legislators across the hemisphere is coming at a critical time in the region when democratic governance is being threatened.

I applaud your efforts and your initiative on this. I will make sure that, if confirmed, that the mission continues to work with your office and the office of other senators to enhance and deepen those kinds of ties among legislators and legislatures throughout the hemisphere.

Senator CARDIN. Thank you.

Ms. Kwan, in Belize there is issues—one issue that really has me concerned on human rights and that is trafficking. It is a destination country for trafficking many—because of the immigration issues. It is been on a Tier Two list for a long period of time. Can you tell me how you will prioritize dealing with the trafficking challenges within that country?

Ms. KWAN. Thank you, Senator, for that question. The recent assessment shows that trafficking in persons—that Belize has made incredible efforts but Belize needs to continue demonstrating that they will make deeper efforts in this area.

Belize has met only minimum standards and Belize struggles with enforcement, investigation, and prosecution of crimes across the board and, if confirmed, I would support U.S. Government's programs to improve the judicial system and help process and prosecute crimes.

Senator CARDIN. I would just point out this is the third year that they have been on the Tier Two watch list. Belize may be making progress but not fast enough. The victims here—it is an extremely important priority for the Congress in the legislation that we passed and we want it to be a high priority within our mission.

The challenges in this country are more regional than they are local but here is one that is local that needs to be dealt with. I would just point that out.

Ms. KWAN. Thank you.

Senator CARDIN. I appreciate you keeping us informed as to your strategies to get Belize off of the Tier Two watch list and elevate their status.

Ms. Bagley—Ambassador Bagley, I know you well. I have a great deal of respect for your service to our country.

There was an oral history interview that was done in 1999 that raises certain questions. The language you used in regards to the Jewish community, Israel's influence in our election, and Jewish money have me concerned. I want to give you a chance to respond

either here or if you would prefer to do it by writing, that is fine. But I want to make sure you have a chance to respond to that interview.

Ambassador BAGLEY. Thank you, Senator. I appreciate that chance to respond and I will provide more details as you wish. That happened, I think, 24, 25 years ago.

It was a free-flowing discussion and I regret that you would think that it was a problem. I certainly did not mean anything by it. It was a poor choice of words. But it was something that the interviewer had asked me prompted by something about politics.

I can go in further detail, but I can tell you that I am very sorry about that choice of words and I—none of them reflect any of my thinking then or now.

Senator CARDIN. I think what I will do, Mr. Chairman, I think I will ask some specific questions for the record and give you a chance to respond. The choice of words were—fit into the traditional tropes of antisemitism and I know you——

Ambassador BAGLEY. That is just not me.——

Senator CARDIN [continuing]. I know your background. I know who you are——

Ambassador BAGLEY. Yes.

Senator CARDIN [continuing]. And it is just language that we would think that, as a diplomat—you had then been ambassador to Portugal—but those—your language would have been more guarded than that.

Ambassador BAGLEY. Yes. I regret that and it was not a thoughtful analysis, and I am happy to respond in writing to any other questions.

Senator CARDIN. Thank you.

Senator KAINE. Senator Menendez?

The CHAIRMAN. I will wait.

Senator KAINE. Senator Shaheen?

Senator SHAHEEN. I am very happy if you would like to go, Senator Menendez.

The CHAIRMAN. I will—thank you. I did not want to—I know you have been waiting.

Mr. Chairman, Ranking Member, thank you for holding this hearing—holding hearings on nominations as part of the responsibilities we have so we appreciate you doing them. Congratulations to all the nominees.

Mr. Mora, what would you consider the biggest challenge we have in the Western Hemisphere today?

Mr. MORA. Democratic erosion, democratic backsliding, the lack of trust among citizens of the Americas of their governments and of their institutions. That has a ripple effect, has second and third order effects on issues related to migration, security, and so on and so forth, and I think the OAS, Chairman Menendez, is in a unique position because of its core competencies to continue highlighting and underscoring this particular challenge and to find mechanisms that exist to address this issue in a collective manner.

The CHAIRMAN. I agree with you, probably more so than ever before. We have three now dictatorships in the Western Hemisphere where we only had one in Cuba. Venezuela—we talked about the

migration of Ukrainians. There are 5 million Venezuelans that have fleed Maduro in Venezuela.

Of course, we have the long-standing dictatorship of Cuba where we see a new group of Cubans fleeing the island through Nicaragua into—attempting to come to the United States and, of course, the newest fermented dictatorship in Nicaragua with Ortega, and that is without talking about other backsliding in other parts of the hemisphere. So your work at the OAS is going to be very important.

Ambassador Bagley, in that regard, I want to visit some of the comments that you have made in the past because you are going to a country where democratic backsliding is a real concern as well, in Brazil, where we are concerned about its present leader trying to undermine the essence of the election process that is taking place and it is one of those countries, along with Mexico, who are suggesting that we must insist on having dictatorships in the Western Hemisphere come to the Summit of the Americas, which I thought was a summit of democracies. I thought our alignment was an alignment of democracy, human rights, and the rule of law. So Brazil is an important place in this regard.

In 1998, you made a series of remarks. You said there was, quote, "no reason for Democrats to think that they could get the Cuban vote but they still thought they could get money from them, and they did. It was also in New Jersey, where they now say that the 55 Cuban population there is even more radical against Castro than the ones in Miami. The real hardliners are in Newark, New Jersey, which has the second largest Cuban population in the United States. Again, it is not numbers. It is like the Jewish factor. It is money."

So I guess I am one of those hardliner radicals who live in New Jersey, although you are wrong about Newark. Is happens to be Union City in western New York. But explain to me what you meant by that.

Is it a suggestion that one group of Americans do not have the right to engage in the political process as others do?

Ambassador BAGLEY. No, Mr. Chairman, and I appreciate the opportunity to clarify that, as I did with the question about the Jewish community. It was the same interview. It was, again, a poor choice of words. I am very sorry that we ever had the interview. It did not really make sense to do as an oral history. But it, certainly, does not reflect my views on Jewish Americans or Cuban Americans or anyone else.

I absolutely strongly support the right of Jewish Americans, Cuban Americans, Irish Americans, all Americans, to be part of the political process, to be politically active, to raise money, give money to those that they support, as I have done myself.

So it was, again, a poor choice of words and I did say "they say" because I had heard this from someone in New Jersey. That was the only thing. I did not have a particular view.

The CHAIRMAN. Yeah. President Trump is famous for saying "they say." I do not know who the "they" are——

Ambassador BAGLEY. That is right. But that is not me.

The Chairman:—but "they say."

Ambassador BAGLEY. I know.

The CHAIRMAN. And so words, especially for those who are going to be ambassadors of the United States to other countries, are incredibly important, probably more significant than maybe in our individual daily lives, although I think they are always important.

I do not know if Senator Cardin raised this but you also said the Democrats always tend to go with the Jewish constituency on Israel and say stupid things. I am a firm supporter of the state of Israel.

I think it is an incredibly important relationship we have—the one democracy in a sea of autocracy, a major security ally of the United States, a significant trading partner of the United States.

Do you believe that when Democrats talk to Jewish constituency they are saying stupid things?

Ambassador BAGLEY. Not at all, Senator. Again, it was a poor choice of words but it does not reflect any of my thinking. What I said, and it was really referring to the discussion on whether Jerusalem should be the capital of Israel, and that is something I worked on a number of initiatives and one was the Camp David Accords.

We negotiated for Palestinian autonomy, and one of the—the holy grail was Jerusalem, and the idea was that the concept, which has gone through all administrations until President Trump's administration, that we keep Jerusalem as part of the overall negotiations over the two-state solution.

So that is—it was—as I say, it was a stupid thing to say. It was, and I regret those comments and they do not—absolutely do not reflect my thinking on any of these issues or on Jewish Americans or Cuban Americans.

I have worked with both politically. I have worked with—from the NDI. I have been on the board for over 30 years. We have done democracy and human rights and trainings in Cuba. So——

The CHAIRMAN. Just as you had at one period of time the right as any citizen had to lobby to change our policy towards Cuba, Cuban Americans have the right to lobby and exercise their view of what our policy should be as we all do.

Ambassador BAGLEY. Absolutely.

The CHAIRMAN. I have some other questions but I want to let Senator Shaheen——

Ambassador BAGLEY. Absolutely. Thank you, Senator. I totally agree with that.

Senator KAINE. Thank you, Senator Menendez.

Senator Shaheen?

Senator SHAHEEN. Thank you, Mr. Chairman, and congratulations to each of our nominees this morning. Thank you for your service to the country and for your willingness to continue to serve.

Ms. Kwan, I want to begin with you because Belize has a connection to New Hampshire. We have a former ambassador to Belize who is from New Hampshire and so we have paid—I have paid a little more attention to issues there than I might otherwise have, and one of the things that I am very concerned about, in addition to the trafficking in persons that Senator Cardin raised, is drug trafficking issues.

In New Hampshire, we have a significant challenge with an opioid epidemic and with illicit drugs coming into the state of New Hampshire, and many of those are coming from—through Belize.

And I wonder if you can talk about how we can better partner with Belize to stop the drug trafficking trade that is affecting the United States.

Ms. KWAN. Thank you so much for that question, Senator, and I look forward to working with you and your team.

Porous borders, unmonitored borders, make Belize very vulnerable to illicit activities, and to prevent Belize from being a haven of transnational criminal organizations and illicit activities, the INL—International Narcotics Law Enforcement—through the Central America Regional Security Initiative, funds programs to support Belize's defense force and its capacity to prevent, address, and combat drug trafficking by transnational criminal organizations, to help strengthen the rule of law, to enforce, investigate, and prosecute crimes.

Belize is a willing partner in countering narcotics and, if confirmed, I will work closely with the Government of Belize to help deepen and expand this cooperation, and I look forward to working with you and your team.

Senator SHAHEEN. Thank you very much. I appreciate that.

Ambassador Bagley, there have been several references to the backsliding that has happened in Brazil that is of huge concern, because, as everyone has pointed out, it is a very important country in Latin America—a lot of resources that are important to the world, the rain forests—and we have seen significant inroads on the part of Russia and China into Brazil and influencing Brazil and President Bolsonaro.

Can you talk about how, as ambassador, you would work to mitigate the influence of China and Russia and encourage further moves towards democracy on the part of Brazil?

Ambassador BAGLEY. Yes, I am happy to, Senator. Thanks for the question.

It is a concern. I would say that China is more of a concern because they are the first—the number-one trading partner with Brazil now. We are number two. They have been in Brazil for 20 years but 2012 is when they became the major trading partner.

We were concerned about 5G rollout with Huawei and we are really asking them, encouraging them, to look very closely and to examine the implications of what would happen if they ended up working with Huawei as a supplier—as a sole supplier.

We are encouraging them to have multiple suppliers, and they have this—the Open RAN network that would help with interoperability and multiple partners. We have a number of programs public diplomacy programs—at the embassy. We have several dialogues.

Of course, with Brazil—we have over 20 dialogues with Brazil, the most recent being the High Level Dialogue that happened on April 25th in Brasilia with two of our under secretaries and their counterparts and they raised that issue both of China, Russia to a lesser extent because there is not a lot of commercial interest at this point. There is a fertilizer issue.

But, as you know, it has not been part of the U.S. sanctions yet. But there is a dependence on Russia—fertilizers from Belarus and Russia, and that is something that, hopefully, will be discussed—I am sure it will be discussed at the U.N. conference today. And something that we will be working with Brazil on as well.

Senator SHAHEEN. Thank you very much. When confirmed, I hope you will stay focused on that issue because I think there is a real concern about the potential for influence on the part of China, in particular.

I am out of time but, Dr. Mora, I do want to raise one issue that I think is really critical for the OAS because one of the challenges that we have seen in Latin America has been the role of women and the rights of women that, I think, we would all like to see are reaffirmed, and I think the OAS has an important role to play there.

And I would hope that you would take a very strong stand in encouraging the OAS to take a very strong position to support the rights of women because one of the—I mean, there is a reason—again, I think it is important to remind people that we talk about an Office of Global Women's Issues and look at our foreign policy through a lens of how are women and girls treated because what we know is that societies that empower women, that have rights for women and girls, tend to be more stable societies. They are more democratic societies, in general.

So I would really urge you to make that a focus of your work there.

Mr. MORA. Thank you. Thank you, Senator, for that question. Yes, absolutely. The OAS, I should say, Senator, has done some good work on women's empowerment through the Commission on Women.

I will focus my attention on that commission and the work that it is doing. As I said, it is doing some good work but my sense is that it could do better.

Senator SHAHEEN. Thank you very much.

Thank you, Mr. Chairman.

Senator KAINE. Senator Schatz?

Senator SCHATZ. Thank you, Mr. Chairman. Thank you all for being here.

Ambassador Bagley, I want to talk to you about deforestation. The President signed at the last COP the Declaration on Forest and Land Use and set a goal for no global deforestation by the year 2030.

That will not get done unless we solve commodity-driven deforestation. So the—just a quick primer. The Lacey Act covers forest products, right. We are not allowed to import stuff from the forest. Fine. That works reasonably well. I know the ranking member has worked very hard on additional Lacey Act enforcement and all the rest of it.

But the truth is that most of the deforestation happening is for commodities. Beef is not a forest product, therefore, not covered. Soy is not a forest product, therefore, not covered.

And so I would like your thoughts on how we deal with the primary driver, right, which is PRC demand for Brazilian forest product, United States demand for Brazilian—excuse me, not forest

product but commodities that are that are derived from clear cutting or lighting the rainforest on fire. What do we do about this?

Ambassador BAGLEY. Thank you for the question, Senator. I think legislation is really important. There was a big article in the Washington Post about—exactly about this and kind of blaming the United States for eating so much beef that we would, you know, contribute to this problem.

Certainly—as Ambassador I would, certainly, be working with the Government of Brazil. We are now. They have committed at COP26 to ending deforestation by 2025, which is quite an ambitious goal and one that they have not really yet taken steps to fulfill.

They have also committed to ending greenhouse gas emissions completely by 2050. It is something that we have been working with them on, kind of encouraging them to take more steps. This would be part of it as well.

They did sign a global methane pledge also, which goes to your question. I do think that there is—and a forest pledge, Glasgow Leaders' Declaration on Forests, that they signed at Glasgow.

So I think legislation would be really important. But also, along with legislation, we have a responsibility as diplomats. I will have responsibility, if confirmed, to work with the Government to encourage them. We have a number of agencies that are involved.

USAID is involved with public-private partnerships, the business community, especially the United States business community is very charged with this. There are a lot of things that we could do.

Senator SCHATZ. A couple of thoughts. First of all, I am glad you mentioned legislation. I have legislation.

Ambassador BAGLEY. Oh, good.

Senator SCHATZ. It creates a framework for—it is called the FOREST Act. It creates a framework for the federal government to stop commodity-driven illegal deforestation around the world.

And so, yes, we need legislation but we also need to—because commitments are commitments, and I am almost worried—look, 2050 is so far out into the future that nobody can be held accountable for any progress because 2050 you can always draw a line and say, well, you know, starting in the mid 2030s we are going to make a ton of progress. 2025 is equally alarming because there is no way—there is no way they meet those goals.

We need to work with USAID to improve transparency, reporting and enforcement, because the challenge—and I have interacted with the Brazilian Government on this issue and there are legitimate sort of supply chain transparency questions and I think sometimes folks hide behind those legitimate questions to sort of throw their hands up and say, we think it is all fine.

And I would just like you to—I do not want us—I do not want the legislative branch to punt this to the executive branch and I do not want the executive branch to punt it back, and we go back and forth and then we—here we are. We have pledged to eliminate deforestation but month by month, tick tock, and we are not making any progress.

I want to hear a sense of urgency, not just around declarations and announceables but on the mechanics of getting this to happen.

Ambassador BAGLEY. Absolutely, Senator. I could not agree more. I know the Presidential Special Envoy John Kerry is working very hard on this issue.

I will be working with him as well, and I am happy to work with you on all of these issues but especially this. I think it is existential. It will be my primary responsibility, I believe, if I am confirmed as Ambassador.

Senator SCHATZ. Thank you very much.

Senator KAINE. Thank you, Senator Schatz. I will now start with questions.

Ambassador Bagley, we are friends, and I just want to follow up on the questions that Senator Menendez and Senator Cardin asked.

The interview surprised me. I have known you for a while and——

Ambassador BAGLEY. Surprised me, too.

Senator KAINE [continuing]. You treat people very fairly and I have seen you treat people in all circumstances very fairly. And I sort of read it and it reminded me of something that one of my campaign managers once told me. Be more careful in a friendly interview than a hostile one, because in a hostile when you are prepped for hostile questions but when you are in a setting that is a friendly setting you sometimes go with the questioner's lead, and I got to tell you, the transcript—whoever was questioning you was really asking you pretty outrageous questions, and if you read the whole transcript sometimes you would sort of go along with the premise but sometimes you would push back on the premise.

The opening question, again, for an interview with an ambassador this was the question—"I would think one of the big things of any campaign would be the Israeli influence." That was not your question. That is what you were asked, and that is almost insulting.

I mean, Jewish Americans get involved in campaigns like all Americans do. But the Israeli Government does not push candidates around. I have been on 10 ballots and I have never had the Israeli Government push me on anything. But with a questioner who was probably a friendly interviewer starting the question that way, I can kind of see why you would go down that path. You also pushed back.

Here is another question that was outrageous: "I would think raising money—without trying to sound fascist almost but a lot of the free money floating around for good causes or political causes is Jewish money. Did you find that the candidates had to act in a certain way or you as a fundraiser had to say certain things?" And here was your answer: "Not really. It was more the effect of the primaries or the politics, not the money."

So you were, basically, saying, no, Jewish Americans, like all Americans, have policy interests and you want to appeal to constituencies. It was not about money. It was about trying to appeal to constituencies based on issues that matter to them. That is an entirely appropriate answer.

I will say the transcript kind of goes a little bit all over the board. But you had a leading questioner. I would have been object-

ing; had it been in court, I would be objecting that the questioner was leading the witness.

And sometimes you would go with the premise of the question, sometimes you would not. But I feel a high degree of confidence in your fairness in that interview from 24 years ago. I think if you put it in context there are some troubling pieces of it. But I think I get what was going on and you had a——

Ambassador BAGLEY. Thank you, Senator.

Senator KAINE [continuing]. Somebody in a friendly interview who was trying to lead you.

Let me ask you this. I am puzzled by Bolsonaro's attraction to Putin—the visit to Russia shortly before the Ukraine invasion, the fact that they are not willing to call it out for what it is.

I know that there is an election going on. He declared solidarity with Russia. In the OAS, Brazil has repeatedly abstained on votes regarding Russia's invasion of the Ukraine.

Now, you have had to deliver friendly messages, but also some maybe unfriendly messages when you were an ambassador before. How would you—should you be confirmed—how would you deal with Brazil, particularly on this issue of not being willing to call out Putin for what he is and what he is doing?

Ambassador BAGLEY. I would be very direct with them because I think a lot of his—Bolsonaro's—statements belie what his diplomats—what his Government is doing. Foreign Minister Franca has actually been very moderate. Treasury Secretary Minister Guedes is also very moderate, and they have actually been very good in terms of the U.N. votes.

They are, as you know, part of the Security Council now for the next two years as nonpermanent members. They have voted twice against the invasion of Ukraine by Russia, and once in the General Assembly.

There was one vote that they abstained because they felt, for procedural reasons, that there should be more of an investigation. This is on expelling Russia from the U.N. Human Rights Council. So they abstained on that.

But they are part of BRICS and BRICS is not an easy group to be part of at this point, and they are the only country that has supported the United States' position on Russia and Ukraine.

But I would continue to press them on that. Absolutely.

Senator KAINE. Thank you very much.

Ambassador Aponte, tell me your assessment of this Alliance for Development in Democracy. The foreign ministers of the three nations—Panama, Costa Rica, Dominican Republic—met recently with Senators Risch, Menendez, Rubio, and me to talk about what they are trying to do, to kind of have a little bit more mass together than they might individually, to stand strong for democracy in a region where there is backsliding in democracy.

Assess the opportunities of the Alliance and how the U.S. could work together with the Alliance to amplify their effect.

Ambassador APONTE. Senator, I am so glad you brought that up because as Senator Menendez alluded in his comments, there is a troika of Nicaragua and Cuba and Venezuela.

But this is the good news—the troika of Costa Rica, Panama, and the Dominican Republic, who have joined forces to address the

issue of—not only of democracy but strengthening institutions and improving trade relations, and it is a step in the right direction.

It is very exciting and a great opportunity for the United States to work with them. It also provides them a platform to talk to us at another level.

Senator KAINE. Thank you very much for that.

Dr. Mora, I want to ask you this. Why are member states of OAS, including close U.S. partners, often so reluctant to take stronger stands against democratic backsliding, particularly with respect to Venezuela and Nicaragua, and what could you do, should you be confirmed, that might help inject some spine?

Mr. MORA. Thank you for that question, Chairman.

There are several reasons or explanations for that. But let me start by saying that that reality that you just explained is unfortunate because all members subscribed and signed on to the Inter-American Democratic Charter, right, and the charter enshrines the values, the principles, the practices, of what free democratic societies should function, and how and why they should protect individuals or citizens' human rights.

And I would argue that the citizens of Nicaragua, citizens of Venezuela, Cuba, deserve the right, freedoms, dignity, that every other citizen in the Americas.

And so it is important and, if confirmed, I will insist that we go back and remember what we subscribed or what we signed up to in that democratic—we have to be consistent with the values and principles that are embodied in that document and I think, frankly, the OAS has done a good job with respect to Nicaragua, to Venezuela.

There are a series of resolutions—important resolutions—that condemn and have taken very strong actions, and that I think the OAS needs to be applauded.

Unfortunately, that is not true of Cuba. I think that on the basis of noninterference—you hear that a lot—and sovereignty—you hear that a lot. That is the explanation given, for example, which was very unfortunate, Senator Kaine, when after the July protests in Cuba there was an opportunity for the Inter-American Commission on Human Rights to come before the Permanent Council to make its assessment of what had occurred on the island in light of the protests and the brutal repression on the part of the dictatorship.

Unfortunately, some member states said no, and that was very unfortunate because, as I said, the Inter-American Democratic Charter just does not apply to Nicaragua and Venezuela and the rest.

It applies to Cuba as well and as the first article of the Charter states, every citizen of the Americas has a right to live in democracy and to have their human rights respected, and every government has an obligation to defend and promote democracy and human rights, and that applies to every state.

Senator KAINE. Thank you, Dr. Mora.

I am going to recognize Senator Hagerty for a first round of questions and then we will go to a second round of questions. And Ms. Kwan, do not worry, I have questions for you. So you are not getting off easy.

Senator Hagerty?

Senator HAGERTY. The light is not functioning. Does that work now? Okay. Thank you.

Ambassador Bagley, I would like to start with you, if I might, and particularly to talk with you about the 5G infrastructure of Brazil. I have a feeling that you will feel the same way as me but I want to ask you directly if you feel that the United States should press our allies to keep Huawei and other similarly situated national champions—CCP affiliated companies—out of our telecommunications infrastructure. I would like to hear your thoughts.

Ambassador BAGLEY. Thank you, Senator. We have already discussed that and that is exactly what I said. We worry about Huawei being the sole supplier. We are really encouraging them to look with eyes open at the repercussions of that on privacy grounds, on grounds of national security, and grounds of debt sustainability, interoperability.

So there are all those issues that would come into play if it were just Huawei. We are really working very hard with them and if I am confirmed I will work even harder to make sure that they have—if they have Huawei at all that they have multiple suppliers.

Senator HAGERTY. Yes, I would say this. During my time serving as ambassador to Japan I worked very closely with the government of Japan to ensure that their network became clean.

In fact, we put in place something called the Clean Network Initiative. I have spoke with a number of your colleagues at the State Department about this.

It is an initiative that Brazil, I think, has actually supported the principles contained in the Clean Network Initiative, and it talks about safe, transparent, and compatible environment in telecommunications and infrastructure that is compatible with our democratic values and our fundamental freedoms.

And, again, I think that Huawei is taking—and when I say Huawei I mean that ilk of company is taking a posture very different from that. Unfortunately, in March of this year, Huawei has signed an agreement with TIM Brazil to develop a 5G city in Brazil, and it is deeply troubling, particularly when we think about the broader national security implications that you and I have discussed.

And I look forward to working with you and I look forward to your leadership, if you are confirmed, to continue to work hard to push back against this with the government of Brazil.

Ambassador BAGLEY. Absolutely. Thank you, Senator.

Senator HAGERTY. Thank you very much.

Next, if I might, Ambassador Aponte, I would like to turn to you to talk about some concerns I have, again, regarding China and their activity regarding the Panama Canal.

The Panama Canal is, arguably, one of the most important geostrategic locations for the United States. It annually registers nearly 14,000 transits. That is a value equal to 6 percent of all global trade.

The United States remains the top user of the canal. In 2019, 66 percent of the cargo traffic transiting the canal either began or ended its journey at a U.S. port. Despite the importance of the Panama Canal to United States national security and our economic security, the trends that I see in Panama are deeply concerning.

In 2016, then President Carlos Varela severed diplomatic ties with Taiwan to recognize China. Since then, Chinese companies have been heavily involved in infrastructure-related contracts both in and around the canal. They are involved in Panama's logistics, their electricity, construction sectors, all part of China's One Belt, One Road Initiative.

In 2020, U.S. Southern Command expressed concern that China's investment in numerous deepwater ports and infrastructure on both sides of the Panama Canal could enable the Chinese military to threaten sea lanes vital to global commerce and to the movement of U.S. forces.

Ambassador Ponte, if you are confirmed to this new position, what is your assessment of the increasing Chinese involvement in the Panama Canal region?

Ambassador APONTE. Thank you very much. I am glad you brought up the issue of the Chinese influence around the canal. Since President Cortizo came to power in 2019, we have seen the cancellation and the withdrawal of some projects around the canal for the right reasons, meaning for—because there was noncompliance of the contracts.

There is a port on the Atlantic side where the contract is being—is in the process of being withdrawn. We assume that it will eventually come back on the market and then it will be open for all other corporations to bid on it.

But that is just one of them. There is also—on natural gas, there was a withdrawal of a contract to the Shanghai Electric Power and it is now—it went to the AES.

So we have seen some progress, and what is really exciting to see is that it is being done because there is noncompliance. If you do not comply with the terms of the contract you are out.

Senator HAGERTY. This is not surprising, and I am sorry to cut you short but it is not surprising. It is actually very typical of the way the CCP behaves in this sort of environment, particularly these Belt and Road projects. They are predatory, they are aggressive, and they are detrimental to our national security.

I would encourage you, if you are confirmed, to develop a plan, a specific plan of how you will work with the government, the Panama Canal, to help offset and move our interests forward and help educate them on the challenges.

I have seen this happen in other countries. I worked very closely in my previous position to deal with China's predatory behavior in the Subic Bay, for example, in the Philippines when I was serving in that region. We need to be alert at every level and I encourage you to undertake this with utmost haste.

Ambassador APONTE. Thank you, Senator.

Senator HAGERTY. Thank you, Mr. Chair.

Senator KAINE. For a second round of questions, Senator Menendez?

The CHAIRMAN. Thank you, Mr. Chairman.

I just want to conclude with Ambassador Bagley, and I got a gist of your questions. And yes, a questioner can be leading.

But I assume, as a U.S. Ambassador, we do not necessarily follow the leading questions. We answer them in conformance with U.S. policy. Would that be a fair statement, Ambassador?

Ambassador BAGLEY. Yes, Senator. It was not an interview, per se. It was an oral history. It was actually a so-called friend of mine who asked me to do it and it was one of these very free-flowing conversations that were—I was supposed to approve later, as was the State Department. I do not really understand how it became in the public.

But, again, it was in my remarks where it was a poor choice of words and they were not well thought.

The CHAIRMAN. As I have said to other nominees, you are not the only person who has ever fallen in these categories.

What we say all of the time, especially when we are not in the garish light of a confirmation hearing or actually in the midst of a position, is very important because what we say when we are not under the light is often what we feel, and we all have the right to our personal feelings but not if they are in conflict with U.S. policy.

Let me ask you one question about President Bolsonaro's attempts to undermine the credibility of Brazil's electoral system. If you are confirmed, what steps would you take to ensure support for the integrity and outcome of democratic elections in Brazil?

Ambassador BAGLEY. Thank you, Senator, for the question, Mr. Chairman. Bolsonaro has said a lot of things. But, basically, they—Brazil has been a democracy. They have democratic institutions. They have a democratic electoral system. They have an independent judiciary, an independent legislature. They have freedom of speech and assembly.

So they have all the democratic institutions that they need in order to have a free and fair election. As you, I think, know I have been on the board of NDI for over 30 years and I have done a lot of election monitoring and I know it is not going to be an easy time because of a lot of his comments.

But underlying all those comments is the real institutional background and I think what we will continue to do is to show our confidence and our expectation that they will have a free and fair election, and we are doing that at every level.

The CHAIRMAN. When a leader of a country tries to undermine, as we have experienced here in the United States, the validity and veracity of an election, it undermines the democratic process in that country.

Ambassador BAGLEY. Yes.

The CHAIRMAN. I hope we will not be fearful to challenge that, at the end of the day.

Dr. Mora, you and I have had a couple of conversations about a series of previous comments. I want to just focus on one. During a 2019 conference call with the Council on Foreign Relations, you discussed U.S. sanctions on Cuba and stated, quote, "The United States continues with those sanctions, even though there is no evidence of effectiveness. It begs the question why are we doing it. And there, we get into domestic politics."

So the question is, clearly, there is a handful of peaceful diplomacy tools that we have as a nation—the use of our aid and our trade to induce countries to act a certain way, international public opinion to the extent that that country or its leader is willing to be moved by it—dictators, generally, do not care—or the denial of

aid, trade, or access to our financial system, which we generally consider sanctions.

That is our arsenal of peaceful diplomacy tools. If you are to be confirmed to the OAS, and it is the policy of the United States to enforce sanctions on Cuba or, for that fact, Venezuela or Nicaragua, which I hope the Administration will do. What position will you take at the OAS among your colleagues from countries in the hemisphere in this regard?

Mr. MORA. Thank you, Chair Menendez, and for the opportunity to address that question.

First, I would say and, if confirmed, I want to be very clear that I will be a strong, forceful advocate for the Biden administration's sanctions policy in Cuba and elsewhere in the hemisphere.

I will do so in public—in public forums, if confirmed, but also in private conversations with colleagues.

As you know, and we have spoken about this, Chair Menendez, I have struggled all my life thinking about how are best ways to bring democracy, dignity to the Cuban people after decades of a brutal dictatorship, repression, systemic abuse, that was highlighted in July and November of last year.

This is not a professional or moral imperative for me. It is a personal one, and I have struggled with this issue. But I am committed and I will reiterate this again, if confirmed, that—to Senator Kaine's question—it is important that the OAS focus more of its attention on Cuba. It has done a great job, I think, in Nicaragua, in Venezuela, but it has fallen short in Cuba.

We have a great partner, I think, in the Secretary General, who has been very supportive of these initiatives. But, frankly, we need to do more and it was unfortunate that the Permanent Council refused to listen to the Inter-American Commission's assessment of the repression in July of last year.

And I think we need to do more, not just in the Permanent Council, Chairman Menendez, but in informal meetings with like-minded countries with the Secretary General to continue shining a light on the tragedy in that island.

The CHAIRMAN. Thank you.

Mr. Chairman, if I have your indulgence, the Biden administration made decisions a day or so ago but it still retained the restricted list, which is the main vehicle of sanctioning the regime.

Even it understands the consequence, especially what was the regime's answer to put forth a new penal code that includes the death penalty for acts of freedom of speech—the death penalty for acts of freedom of speech.

Ms. Kwan, I know you have retweeted some things in the past. You might want to think about that.

Finally, Ambassador Aponte, it is good to see you back before the committee. You did a fantastic job for us in El Salvador when you were our ambassador previously. I am sure you will do so again in Panama—a different country, different set of issues.

But the Panamanians have joined the Costa Ricans and the Dominican Republic to launch an Alliance for Development in Democracy, something that we applaud and embrace.

These kinds of regional activities are rare and, in my view, worthy of U.S. attention and support. What steps will you take to

strengthen the U.S. partnership with the Alliance for Democracy in Development in order to catalyze economic development and encourage alternatives to Chinese investments? Senator Hagerty was correctly pointing out the challenge that we have with China in the hemisphere and the region.

Ambassador APONTE. Thank you very much for bringing the Alliance for Development in Democracy, Senator. It is an exciting development and I think it affords us the opportunity to work together, especially in bringing projects to the three countries that are big infrastructure projects that can be done in partnership with other countries.

I think that we need to urge other countries to also be supportive along with us in investing and in calling for investment in the three countries.

In the end, what I think we are seeking is the stability of not only Panama but of the members of the Alliance, and the one place—one solid place—where we can demonstrate our support is precisely in those kinds of infrastructure—big infrastructure development projects.

The CHAIRMAN. Thank you. I also have migration questions; I will submit something for the record in that realm.

Mr. Chairman, thank you. You know my passion for the Western Hemisphere is joined by yours as well. So I appreciate the courtesy.

Senator KAINE. Absolutely. It took me eight years on the committee to finally get to be the chair and ranking of the subcommittee. So patience rewards those who are willing to wait.

Just comments for Ambassador Aponte and Dr. Mora, and then a question and topic for Ms. Kwan.

On the Alliance, the senator, I think, said he would follow up with some written questions about migration. But it does strikes me that that is an interesting topic for us to engage with the Alliance on.

Dominican Republic has significant immigration issues from Haiti. Panama has significant immigration issues through the Darien Gap from all over South America, and then Costa Rica has these immigration issues because Nicaraguans fleeing the brutality there are maybe a little more likely to go south into Costa Rica than to transit north.

And so I think there is economic development opportunities. There is standing strong for democracy and rule of law and human rights but there is also the challenges that we are all facing on the migration front, and we may be able to share some best practices and learn from each other.

Dr. Mora, one of the things that I am a little bit encouraged by in the hemisphere now is the emergence of some governments on the left who are willing to criticize abuses of the left. The challenge is not just in the Americas but around the world as you have a charter that sets up these principles but then if governments on the left abuse them other governments on the left are silent. If governments on the right abuse them governments on the right are silent.

Although it is still nascent, the new governments in Honduras and Chile are governments from the left who have shown some willingness—some willingness—to speak out against the Russian

invasion and speak out against other abuses of left-leaning governments and I would say that that is a really positive trend.

Again, it is new in both of these governments but, hopefully, that could continue. And I hope that the U.S. which, in my view, has often been more willing to speak out by—against abuses by governments on the left than governments on the right.

I hope we are even handed in the way we stand for those principles in the charter, regardless of what is the flavor of the government that might be committing violations of the charter.

Ms. Kwan, you mentioned in your opening statement the vaccine issue, and here is my observation from the trip that I took with Senator Portman and others a year ago. We went in July and just coincidentally it was right at the time that the U.S. was engaging in major deliveries of vaccines throughout the world.

I give credit to President Biden by, basically, saying, look, the U.S. is going to be the most generous donor of vaccines.

We did not go to Belize on that trip, but in the foreign nations that we went this was what we heard: you are giving us the best vaccines in the world and if we say something nice about Taiwan or bad about Beijing you do not suddenly cancel the contract.

China or Russia are offering to sell us vaccines that are substandard. They are not as good as the American vaccines and the timing of the delivery when we make a contract is up in the air, and if we say something nice about Taiwan then the contract goes away.

I think this vaccine diplomacy issue has been one of the best things the United States has done in the region and in the world during this very difficult time. In the Americas, we often hear from heads of state, oh, the Chinese are here. We would rather deal with you but you are not here. The Chinese are here. So we are going to deal with China.

What we have done on the vaccine side has really earned us some goodwill, not just in dealing with COVID but the United States is back, really wants to be a partner. We see the value of the alliance.

So we are having this battle right now about what will be in the COVID bill that we will likely do before Memorial Day, and one of the points of contention—I think we will get a bill done—one of the points of contention is whether there is going to be a robust vaccine diplomacy piece of the bill.

I think our vaccine diplomacy was one of the best things that we have done on the diplomatic front, and so I was pleased to hear you reference the vaccine delivery to Belize for a nation of that population.

That is a sizable amount of high-quality vaccines, and I would just like you to, if you could, go further into that. You have done a lot of public diplomacy.

Vaccine diplomacy is that kind of public diplomacy that builds goodwill. What is your assessment of the effectiveness of what we have done in Belize around the vaccine and what might you suggest to us as we think about how to build on that?

Ms. KWAN. Thank you so much for the opportunity to answer that question.

In 2021, as I mentioned, there was 228,150 vaccines donated. If confirmed, as you mentioned, diplomacy would be a major priority for me, as well as health security. Fifty percent of the population in Belize is fully vaccinated.

In my opening remarks, I mentioned $300,000 in supplemental assistance, $4 million in partnership with Baylor University, $2 million of which went with CDC research with Baylor University.

I believe that, if confirmed, I will work very hard in finding opportunities for engagement. As I mentioned in my opening remarks, educational sporting exchanges, I will definitely lean on my experience and background and also recover from the pandemic, understanding that governments all around the world have been hit severely by the pandemic and understanding that Belize's main industry is tourism. Forty-two percent of imports to Belize comes from the United States.

My priority is to make sure that we are able to work closely with the government of Belize and to build back better and stronger from the pandemic.

Senator KAINE. I thank you for that. I will just stay on my soapbox for a minute about vaccines. Eight percent of the vaccines that—this was the last measure I saw—it could have been slightly changed, but 8 percent of the vaccines that the U.S. delivered to other nations were delivered to Latin America, Central Mexico, Central and South America and the Caribbean and that region has 8 percent of the world's population but has had 30 percent of the world's deaths to COVID.

I do not think we allocated the vaccines correctly. I think we—just as we do in our own country, we should be allocating vaccines to areas of great risk.

There is also a geopolitical reality about trying to be maybe a little more forward leaning on distributing vaccines in the Americas and that is the migration and travel and family connections between U.S. citizens and those living in Mexico, Central South America, and the Caribbeans are so close that leaning forward into delivery of vaccines in this region will have a disproportionately positive effect on health here at home.

And this is something that the Chairman and I are really strong believers in. We wrote a letter early before the vaccines really started to roll out saying that there are a whole series of reasons why prioritization of vaccine delivery in the Americas makes a lot of sense for our own public health and also for the needs of that population.

The work is on our shoulders, I think, to try to come up with a COVID bill that will continue what has been a positive diplomatic coup for us, really, in terms of this vaccine delivery of high-quality vaccines and I hope we will do it.

But I just wanted to take advantage of your recognizing that as an important aspect of the relationship, particularly in the last year plus.

Thank you all for your willingness to serve, for your service before you got to the committee, for going through the hearing.

I am going to ask that the hearing record remain open till 5:00 o'clock on Friday, two days from now, so that if members either

who were here or who were not able to attend want to submit questions in writing they can do that by 5:00 o'clock Friday, May 20.

If those questions are submitted, I would encourage all of you to provide answers promptly and thoroughly as quickly as you can and that will expedite then the ability of the committee to take up your nominations.

The hearing is adjourned.

[Whereupon, at 11:48 a.m., the hearing was adjourned.]

Additional Material Submitted for the Record

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. ELIZABETH FAWLEY BAGLEY BY SENATOR ROBERT MENENDEZ

Cuba

Question. In a 1998 interview with The Association for Diplomatic Studies and Training, you discussed the Cuban-American vote and noted "The Cuban-American Foundation president and the founder, Jorge Mas Canosa, was a really strong Republican. There was no reason for the Democrats to think they could get the [Cuban vote], but they still thought they could get some money from them, and they did. It was not just Florida; it was also New Jersey where now they say the Cuban population there is even more radical against Castro than the ones in Miami. The real hardliners are in Newark, New Jersey, which has the second largest Cuban population in the United States. So, it is still a factor. Again, it is not numbers, it is like the Jewish factor, it's money."

- Please clarify for the committee your suggestion about the relationship between the Democratic Party and the Cuban-American community, as well as your comment about the Jewish community.

Answer. I apologize and deeply regret the poorly considered remarks on Cuban Americans and Jewish Americans I made as part of a 1998 oral history project about foreign affairs. Those comments in no way reflect my views then or now about the important political, economic, and cultural contributions of both communities to the fabric of our society and to the democratic institutions of our great country.

Throughout my career spanning over four decades of service to the United States, I have supported the rights of all people to have a voice in U.S. policy. I worked side-by-side with Cuban Americans and Jewish Americans during my years of political advocacy, in and out of the United States Government. For more than 30 years, I have been an active member of the Board of the National Democratic Institute, which has worked with the Cuban-American community and with Cuban democracy activists since 1991, sharing information and building capacity among civil society actors seeking meaningful political and economic reforms and peaceful democratic change.

As Special Representative for Global Partnerships at State Department during the Obama Administration, I worked closely with Rabbi David Saperstein, then the U.S. Ambassador-at-Large for Religious Freedom as well as Farrah Pandith, who was the Special Representative for Muslim Communities. I also worked with the White House Council for Faith-Based and Neighborhood Partnerships, founded by President Obama to promote religious freedom, equity and social justice, and I continue to work with the Biden-Harris White House Office of Faith and Community Engagement.

Political participation is a fundamental right of all Americans. Just as I have exercised that right, I believe others should have every opportunity to do the same. My comments in no way mean to suggest that Jewish Americans, Cuban Americans, or any Americans do not have the right to organize and express themselves politically. On the contrary, that is a cherished part of the democratic process. Having the freedom to contribute financially in support of our political beliefs is an essential aspect of our right to political participation that so many Americans, including me, are blessed to be able to exercise in the United States. I support and defend all Americans' right to politically organize and speak freely, including through financial contributions.

If confirmed, as Ambassador to Brazil, I will also tirelessly act and speak out against antisemitism and defend the rights of the Cuban people to freedom of

speech, religion, and assembly in a democratically elected government. I enthusiastically look forward to advancing these fundamental American values.

Israeli Influence in Campaigns

Question. In the same 1998 interview, in response to a question about Israeli influence in campaigns: you stated, "There is always the influence of the Jewish lobby because there is major money involved."

- What did you mean by that comment?

Answer. That response reflected a poor choice of words and not my thinking of Jewish Americans, either in public or in private. I apologize and deeply regret my comments. I understand antisemitism as a prejudice rooted in irrational conspiracies, and if confirmed, I pledge to forcefully condemn antisemitism in all its forms.

Anomalous Health Incidents

Question. I am very concerned about directed energy attacks on U.S. Government personnel (so-called Anomalous Health Incidents). Ensuring the safety and security of our personnel abroad falls largely on individual Chiefs of Mission and the response of officers at post. It is imperative that any individual who reports a suspected incident be responded to promptly, equitably, and compassionately.

- Do you agree these incidents must be taken seriously, and pose a threat to the health of U.S. personnel?

Answer. Yes. I take nothing more seriously than the health and security of the people who will work with me, should I be confirmed. The interagency community continues its examination of a range of hypotheses. Secretary Blinken prioritizes the Department's response to Anomalous Health Incidents (AHI), setting clear goals for the Health Incident Response Task Force to strengthen the Department's communication with its workforce and providing care for affected employees and family members.

Question. If confirmed, do you commit to ensuring that any reported incident is treated seriously and reported quickly through the appropriate channels, and that any affected individuals receive prompt access to medical care?

Answer. Yes. If confirmed, I will do everything possible to ensure that employees who report a possible AHI receive immediate and appropriate attention and care and the incident is reported through appropriate channels.

Question. Do you commit to meeting with medical staff and the RSO at post to discuss any past reported incidents and ensure that all protocols are being followed?

Answer. Yes. If confirmed, I will take nothing more seriously than the health and security of the people working at the U.S. Mission in Brazil. I commit to working with health and security officials and other parties as recommended to establish and maintain appropriate protocols and ensure a healthy working environment for both Americans and local staff.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. ELIZABETH FAWLEY BAGLEY BY SENATOR JAMES E. RISCH

Russia

Question. Brazil relies heavily on Russian fertilizer imports and continues to receive shipments of fertilizer from Russia despite sanctions. Although Brazil voted to condemn Russia's aggression against Ukraine, Bolsonaro has supported.

- If confirmed, what efforts would you take to encourage Brazil to support international sanctions related Russia's invasion of Ukraine?

Answer. We engage Brazil as a member of the U.N. Security Council to address Russia's invasion of Ukraine. Brazil has voted in favor of U.N. Security Council, U.N. General Assembly, and Human Rights Council resolutions to condemn Russia's invasion of Ukraine.

If confirmed, I would advocate with Brazil to respond to Russia's aggression, including through international sanctions. Despite economic ties between Brazil and Russia, President Bolsonaro has consistently said that he places paramount importance on Brazil's relationship with the United States, and I plan to build on this relationship to encourage Brazil's support for sanctions. As U.S. Representative to the United Nations Ambassador Thomas-Greenfield has said, neutrality in the face of atrocities is unacceptable.

China

Question. China is Brazil's largest trade partner and has invested over $66 billion into its infrastructure.

- Please explain how you would recommend the United States work to address the worst aspects of China's economic, political, and security influence in Brazil and Western Hemisphere.

Answer. If confirmed, I would build on our strong bilateral relationship to encourage Brazil to examine the full implication of the PRC's practices, including the malign influence it exercises in the region. Our nearly two dozen regular dialogues and high-level engagements with Brazil provide ample opportunities to show PRC's negative influence, whether it is the decrease in Brazil's export of high value-added products due to trade with the PRC, the risks associated with civil nuclear cooperation with the PRC, or the security risks of incorporating equipment from PRC companies in 5G infrastructure in Brazil.

Question. What is your assessment of the current state of Brazil-China relations?

Answer. The United States needs to continue encouraging the Brazilian Government to exercise due diligence in doing business with China, in terms of national security, privacy rights, debt sustainability, and transparency.

I understand the PRC has been an important source of trade and investment for Brazil for nearly 20 years. Since 2012, it has been Brazil's top trading partner in terms of total volume, which is primarily commodities from Brazil and manufactured goods from the PRC. However, the PRC's engagement has also threatened several Brazilian industries and the intellectual property of Brazilian companies. Brazilian industry representatives have complained that inexpensive PRC-based products have harmed Brazil's industrial sector. Brazil's exports of higher value-added products have decreased since the PRC's 2001 WTO entry. The PRC is a relatively small but growing investor in Brazil, the fifth largest investor in Brazil, after the United States, Spain, France, and Belgium. PRC FDI stock amounted to about 4 percent of Brazil's total foreign direct investment in 2020. Most PRC direct investment in Brazil is in the power sector and extractive industries where PRC state-owned firms play a major role. These firms have also invested in port and logistics infrastructure.

Telecommunications firms like Huawei and ZTE have been active in Brazil for more than 20 years. Huawei is a telecommunications equipment market leader in Brazil. PRC-based companies also have won tenders to provide "Smart City" surveillance, law enforcement bodycams, and facial recognition technology across Brazil.

Brazil participates in the BRICS grouping and the Sino-Brazilian High-Level Consultation and Cooperation Commission, headed by both countries' vice presidents.

Academic exchange programs and research between Brazil and China are growing. The PRC state-owned news service Xinhua is building affiliations with local news outlets which now publish daily Xinhua content in Portuguese. Brazil is home to 12 Confucius Institutes and three Confucius classrooms. The PRC also funds think tanks and research centers at Brazilian universities.

Question. Please explain how you plan to communicate with the Brazilian people about the challenges posed by the People's Republic of China to international norms.

Answer. If confirmed, I would raise with government and private sector leaders the security, human rights, economic, and other risks involved in some of the PRC's practices in Brazil and the rest of the region. Public opinion in Brazil leans significantly towards support for the United States and democratic values. If confirmed, I intend to strengthen that support through public outreach directly to the Brazilian people by expanding Mission Brazil's public diplomacy efforts in this area.

Question. If confirmed, how would you communicate concerns about the use of untrustworthy technologies, such as Huawei's in Brazil?

Answer. I understand the U.S. Government has engaged with the Government of Brazil and with the telecommunications companies directly to raise awareness about the true costs and implications of using untrusted suppliers, which include widespread security risks and interoperability issues. I would continue these efforts.

In addition to presenting the true costs of Huawei's role in the telecommunications sector, I would present alternatives. The industry-led global movement towards open, interoperable approaches, such as Open Radio Access Networks, or Open RAN, has the potential to increase market competition, lower costs, and improve security. Providers and operators in Brazil are bringing forward Open RAN architecture solutions for mobile communications networks, and the United States should continue to support those efforts. The United States and Brazil can be partners in building open, reliable, and secure telecommunications networks.

Internal Politics

Question. Former President Luiz Inàcio Lula da Silva, convicted and jailed for corruption, is the leading opposition candidate for Brazil's October presidential elections.

• How would the return to his leftist policies effect our bilateral relations?

Answer. Relations between Brazil and the United States have transcended many administrations because of our strong historic, economic, cultural, and people-to-people ties. For its part, Brazil has strong democratic institutions, including an independent judiciary, that have made great strides in creating a higher standard of accountability and thorough and impartial investigations into allegations of corruption. Anticorruption is also a core U.S. national security priority. If confirmed, I will advance this national security priority by encouraging continued cooperation with government, law enforcement, and civil society partners in Brazil on tackling corruption, promoting greater transparency, and fostering good governance.

Cuba

Question. In a 1998 interview with conducted on the behalf of the Association for Diplomatic Studies and Training while you were the U.S. Ambassador to Portugal, you stated "it was also New Jersey where now they say the Cuban population there is even more radical against Castro than the ones in Miami."

• Who is the "they" you are referencing in this statement?

Answer. I do not recall the specific source of the comment that I referred to in that conversation from 1998. Regardless of the source I was referencing, I apologize and deeply regret the poorly considered remarks on Cuban Americans I made as part of that interview. Those comments in no way reflect my views then or now about the important political, economic, and cultural contributions Cuban Americans make to the democratic institutions of our great country.

Political participation is a fundamental right of all Americans. Just as I have exercised that right, I believe others should have every opportunity to do the same. My comments in no way mean to suggest that Jewish Americans, Cuban Americans, or any Americans do not have the right to organize and express themselves politically. On the contrary, that is a cherished part of the democratic process. Having the freedom to contribute financially in support of our political beliefs is an essential aspect of our right to political participation that so many Americans, including me, are blessed to be able to exercise in the United States. I support and defend all Americans' right to politically organize and speak freely, including through financial contributions.

If confirmed, as Ambassador to Brazil, I will also tirelessly act and speak out against antisemitism and defend the rights of the Cuban people to freedom of speech, religion, and assembly in a democratically elected government. I enthusiastically look forward to advancing these fundamental American values.

Question. Please provide a detailed explanation of your understanding of human rights conditions in Cuba in 1998?

Answer. Cuba was then, and is now, neither free nor democratic and human rights conditions were poor, as they are now. The Cuban regime denied its citizens basic human rights. Among other abuses, it routinely threatened, harassed and arbitrarily arrested human rights advocates, journalists and political opposition; severely restricted freedoms of expression and assembly; and physically abused political prisoners and detainees. These acts continue today. I regret that my comments from a 1998 interview for the oral history project could be interpreted to suggest otherwise. Those remarks in no way were intended to minimize the hardship and abuse of Cubans in Cuba or deny the right of political participation of Cuban Americans here. If confirmed as Ambassador to Brazil, I will ensure my work and my communication embody fundamental American values.

Question. Why did you believe that it was radical to oppose the Castro regime in 1998?

Answer. I believed then and believe today that there was nothing radical in opposing the Castro regime in 1998. My comments from my 1998 oral history project were poorly considered and did not reflect my views either about Cuba at the time or the right of Cuban Americans to voice their views on Cuba in our democracy. I sincerely apologize for those remarks. I strongly believe in our democratic values, including the right of political participation of all Americans.

Question. Please provide a detailed explanation of your understanding of human rights conditions in Cuba under the Diaz-Canel regime in Cuba.

Answer. Cuba under President Diaz-Canel is an authoritarian state that commits widespread abuses of human rights. Cuba is a one-party state with no fair or competitive elections. Cuba's security forces, controlled by national leadership, commit numerous abuses and hold political prisoners in harsh and degrading conditions. The Cuban Government violently suppresses protests, including the spontaneous, peaceful demonstrations in July 2021. The Government commits extrajudicial killings, forced disappearances, torture, arbitrary arrests, and other serious violations of basic human rights with impunity.

If confirmed as Ambassador to Brazil, I will work in that role to defend the rights of the Cuban people against the abuses committed by the Cuban Government.

Question. If confirmed, do you commit to engage with the Brazilian people about human rights conditions in Cuba?

Answer. If confirmed, I will continue to raise the issue with Brazil, which has publicly voiced concerns over human rights in Cuba.

Question. In 2020, the Brazilian Government readmitted 1,800 Cuban doctors after a previous promise from President Bolsonaro to expel this group of medical workers.

- Would you agree the Cuba's overseas medical missions amount to human trafficking?

Answer. I understand the Department continues to have serious and ongoing concerns about the allegations of forced labor in Cuba's international labor programs. Since 2010, the State Department has identified indicators of forced labor in Cuba's labor export programs, including medical missions overseas. Over the last two years, in the Trafficking in Persons Report, the Department found a policy or pattern that Cuba profited from the labor export program amid strong indications of forced labor. The Department's 2021 Trafficking in Persons report listed Cuba as Tier 3. If confirmed, I will urge my counterparts in Brazil to take steps to prevent forced labor and seek transparency on contractual agreements between the Cuban Government and Cuban overseas workers, to screen those associated with this program for trafficking indicators, and to protect victims identified.

Question. Please discuss how you would engage, if confirmed, the Brazilian Government on concerns about state-sponsored human trafficking?

Answer. If confirmed, I would oppose any state-sponsored human trafficking and raise those concerns with counterparts in Brazil.

Jewish Relations

Question. Brazil has the 11th largest Jewish population in the world, estimated at approximately 180,000 individuals of Jewish heritage. In the 1998 interview referenced above, you are quoted saying: "The Democrats always tend to go with the Jewish constituency on Israel and say stupid things, like moving the capital to Jerusalem always comes up. Things that we shouldn't even touch."

- Can you explain your views on Jerusalem being the capital of Israel?

Answer. I support the U.S. policy that Jerusalem is the capital of Israel. Jerusalem itself is a final status issue to be resolved through direct negotiations between Israel and the Palestinians. I understand the Administration recognizes that Jerusalem is central to the national visions of both Israelis and Palestinians.

Additionally, if confirmed, I am committed to engaging Brazil's Jewish community, particularly in the face of rising levels of antisemitism in the region and around the world, as part of the U.S. Mission to Brazil's active and vital efforts to engage religious minority communities.

Question. Please explain what you meant by equating "moving the capital to Jerusalem" with "stupid things."

Answer. I apologize for and deeply regret the poorly considered remarks I made as part of a 1998 oral history project about foreign affairs. At that time, the policy of all prior U.S. administrations was that the status of Jerusalem would be part of broader negotiations. Jerusalem is the capital of Israel and I support the U.S. policy that our embassy will remain in Jerusalem.

Question. Do you support the U.S. policy to locate the U.S. Embassy in Jerusalem?

Answer. Yes. I support the U.S. policy that our embassy will remain in Jerusalem.

Trafficking in Persons

Question. In the State Department's 2021 Trafficking in Persons Report, Brazil was identified as Tier 2 due to overall lack of prosecutions and convictions of traffickers.

- How will you work with the Brazilian Government to address these issues if you are confirmed as Ambassador?

Answer. If confirmed, I will ensure the success of, and take away lessons learned from, the more than $20 million worth of programing we are funding with congressional support to combat trafficking in persons in Brazil. If confirmed, I will actively engage the Government of Brazil on victims' identification, prosecution of perpetrators, and comprehensive victims' assistance, and target the reach of transnational criminal organizations of the most vulnerable of Brazil's society into forced labor and sex trafficking.

Question. If confirmed, what concrete steps could you take to help Brazil operationalize the prioritized recommendations contained in the TIP report?

Answer. Congress has supported funding crucial initiatives to operationalize the prioritized recommendations contained in the trafficking in persons report to combat forced labor and sex trafficking in Brazil. With congressional support, the State Department's Office to Monitor and Combat Trafficking in Persons (J/TIP) has invested over $20 million since Fiscal Year 2020 to prevent, research, and combat trafficking in persons in Brazil. Similarly, U.S. Immigration and Customs Enforcement (ICE)'s Homeland Security Investigations (HSI) office in Brasilia partners with and builds the capacity of Brazil's Federal Police to combat child exploitation and human smuggling. Information sharing allows the United States and Brazil to respond to warnings and tips in real time to combat crime.

For example, under J/TIP's Program to End Modern Slavery in 2021, the Pan American Development Foundation (PADF) received $8.5 million, and the U.N. Office on Drugs and Crime (UNODC) received $2.5 million in multi-year grants to conduct research, awareness-raising campaigns, capacity building efforts, and interagency collaboration to reduce forced labor in the cattle and gold mining industries in Brazil. The Freedom Fund also received $1.3 million to reduce child sex trafficking in Northeastern Brazil by facilitating government and civil society coordination in prevention efforts and survivor-informed care.

If confirmed, I will continue to expand on these important initiatives.

Religious Freedom

Question. In the State Department's 2020 International Religious Freedom report, Brazil was identified as not particularly tolerant of religious freedom.

- What is your assessment of this particular issue and if confirmed, how will you work with the Ambassador-at-Large for International Religious Freedom to bolster religious freedom in-country?

Answer. Freedom of religion or belief is among the United States' and Brazil's most important founding principles, and it is central to the Biden-Harris Administration's commitment to upholding and advancing human rights. At the U.S.-Brazil Human Rights Dialogue in February, we recognized Brazil's work as part of the International Religious Freedom or Belief Alliance and beyond to advance this right bilaterally and globally.

As Special Representative for Global Partnerships at State Department during the Obama Administration, I worked closely with Rabbi David Saperstein, then the U.S. Ambassador-at-Large for Religious Freedom as well as Farrah Pandith, who was the Special Representative for Muslim Communities. I also worked with the White House Council for Faith-Based and Neighborhood Partnerships, founded by President Obama to promote religious freedom, equity and social justice, and I continue to work with the Biden-Harris White House Office of Faith and Community Engagement.

Both of our countries are experiencing societal intolerance and rising antisemitism, and we must stand together against these challenges. The U.S. Mission to Brazil actively engages with religious minority communities, including by hosting annual iftars in Consulate General Sao Paulo to engage with Muslim religious leaders and by preserving religious sites for Afro-descendant religious minority groups throughout the country.

If confirmed, I will work closely with the Ambassador-at-Large for International Religious Freedom Rashad Hussain and with the Special Envoy to Monitor and Combat Antisemitism Deborah Lipstadt to build on existing efforts to expand our cooperation with Brazil to promote religious freedom and combat antisemitism and intolerance in Brazil and around the world.

Question. If confirmed, do you commit to personally engaging with civil society on this issue?

Answer. Throughout my career spanning over four decades of service to the United States, I have worked side-by-side with Americans of all religious beliefs and nonbelief.

If confirmed, as Ambassador to Brazil I will vocally defend religious freedom and work with civil society on ways to make progress on this vital issue.

Question. If confirmed, what concrete steps can you take to help Brazil increase their societal and governmental respect for religious freedom?

Answer. If confirmed, I will regularly and consistently raise religious freedom in my engagements with officials and other counterparts to bring attention to and encourage resolution of religious freedom issues in Brazil, including those identified in the annual International Religious Freedom Report.

Human Rights

Question. In the State Department's 2021 Human Rights Report, Brazil was identified as having significant human rights abuses including impunity and a lack of accountability for security forces. Inefficient judicial processes also delayed justice for perpetrators and victims.

- If confirmed, what steps will you take to address these instances with the host government?

Answer. The promotion and defense of human rights for all people is central to U.S. national security and prosperity. The Department raises the issues described in the State Department's Human Rights Report regularly with federal, state, and municipal officials and will continue to support the work of civil society; promote human rights, public security, and social inclusion, while promoting accountability for human rights abuses.

If confirmed, I will advance and build on Mission Brazil's vigorous efforts to curtail the influence of violent transnational criminal organizations, such as Primeiro Comando do Capital (PCC) and Comando Vermelho (CV).

In addition, I understand the International Narcotics and Law Enforcement Affairs (INL) bureau provides Brazilian law enforcement in all 26 states and the federal district with capacity building training. A new INL-Security Forces Professionalization initiative will provide body cameras and human rights training for Leahy-vetted Rio de Janeiro police, a program designed to increase their transparency and accountability and improve their tactics and controls on the use of lethal force.

The U.S. Government maintains a robust interagency law enforcement presence through the mission in Brazil that provides ongoing and continual support to Brazilian law enforcement on investigative matters, including to build capacity to investigate allegations of police involvement in extrajudicial killings. If confirmed, I would strongly support these efforts.

Question. How will you direct your embassy to work with civil society organizations to improve the human rights situation on the ground?

Answer. If confirmed, I will work with civil society and community leaders to promote human rights in Brazil.

Secretary Blinken discussed human rights issues with his Brazilian counterpart Foreign Minister Franca and welcomed the relaunch of the U.S.-Brazil Human Rights Working Group, which met in February.

Using Fiscal Year 2021 Democracy Fund/Human Rights and Democracy Funds, the Democracy, Human Rights, and Labor Bureau supports local organizations working for racial justice and indigenous rights in Latin America, including Brazil.

The State Department's Office to Monitor and Combat Trafficking in Persons (J/TIP) has invested over $20 million since Fiscal Year 2020 to prevent, research, and combat trafficking in persons in Brazil. Similarly, U.S. Immigration and Customs Enforcement (ICE)'s Homeland Security Investigations (HSI) office in Brasilia partners with and builds the capacity of Brazil's Federal Police to combat child exploitation and human smuggling. Information sharing allows the United States and Brazil to respond to warnings and tips in real time to combat crime.

For example, under J/TIP's Program to End Modern Slavery in 2021, the Pan American Development Foundation (PADF) received $8.5 million, and the U.N. Office on Drugs and Crime (UNODC) received $2.5 million in multi-year grants to conduct research, awareness-raising campaigns, capacity building efforts, and interagency collaboration to reduce forced labor in the cattle and gold mining industries in Brazil. The Freedom Fund also received $1.3 million to reduce child sex traf-

ficking in Northeastern Brazil by facilitating government and civil society coordination in prevention efforts and survivor-informed care.

International Organizations

Question. The Office of Multilateral Strategy and Personnel (MSP) in the State Department's bureau of International Organizations is leading a whole-of-government effort to identify, recruit, and install qualified, independent personnel at the U.N., including in elections for specialized bodies like the International Telecommunications Union (ITU). There is an American candidate, Doreen Bodgan-Martin, who if elected would be the first American and first woman to lead the ITU. She is in a tough race that will require early, consistent engagement across capitals and within the U.N. member states.

Question. If confirmed, do you commit to demarching the Brazilian Government and any other counterparts necessary to encourage their support of Ms. Bogdan-Martin?

Answer. If confirmed, I commit to delivering demarches and otherwise advocating with the Brazilian Government and any other counterparts necessary to secure support for the upcoming September election of Ms. Bogdan-Martin as Secretary-General of the International Telecommunication Union (ITU).

With nearly 30 years of experience at the ITU, including as director of its development bureau, Ms. Bogdan-Martin is the most qualified candidate to advance our shared priorities at the ITU, including promoting universal connectivity that is safe, inclusive, and affordable, as well as strengthening the ITU's partnerships with stakeholders and its governance and accountability. As a member of the ITU Council, Brazil's voice on ICT issues and on this election is critical.

Question. If confirmed, how can you work with the International Organizations (IO) bureau and other stakeholders to identify, recruit, and install qualified Americans in positions like the Junior Program Officer (JPO) program at the U.N.?

Answer. I am committed to increasing the representation of independent, qualified American citizens in international organizations. If confirmed, I will work actively with the IO bureau and other stakeholders to assist in identifying, recruiting, and installing more Americans in positions, including Junior Professional Officer (JPO) positions, at the U.N.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. ELIZABETH FAWLEY BAGLEY BY SENATOR BENJAMIN L. CARDIN

Question. You participated in an oral history interview in 1999, and some of your responses concern me deeply, particularly the language you used in regards to the Jewish community, Israel's influence on our elections, and what you described as "Jewish money." Please explain the following statements that you made in that interview:

> *Interview Question:* "I would think one of the big things of any campaign would be the Israeli influence. How did that play?"
>
> *Your response (in part):* "There is always the influence of the Jewish lobby because there is major money involved."
>
> *Interview Question:* "Bush had taken the rather courageous stand of calling back credits for housing because the Israelis were building houses on the Left Bank on Arab land. Did that come up at all?"
>
> *Your response:* Yes, Clinton criticized them on that. The Democrats always tend to go with the Jewish constituency on Israel and say stupid things, like moving the capital to Jerusalem always comes up. Things that we shouldn't even touch."
>
> *Interview Question:* "One always hears about how important the Cuban vote is in south Florida, at least until recent times it has been secure in the pocket of the Republicans."
>
> *Your response (in part):* "It was not just Florida; it was also New Jersey where now they say the Cuban population there is even more radical against Castro than the ones in Miami. The real hardliners are in Newark, New Jersey, which has the second largest Cuban population in the United States. So, it is still a factor. Again, it is not the numbers, it is like the Jewish factor, it's money."

- Finally, overall, do you understand the concerns that statements like these raise, especially for the Jewish American and the Cuban American communities?

Answer. I apologize for and deeply regret the poorly considered remarks on Cuban Americans and Jewish Americans I made as part of a 1998 oral history project about foreign affairs. Those comments in no way reflect my views then or now about the important political, economic, and cultural contributions of both communities to the fabric of our society and to the democratic institutions of our great country.

Throughout my career spanning over four decades of service to the United States, I have supported the rights of all people to have a voice in U.S. policy. I worked side-by-side with Cuban Americans and Jewish Americans during my years of political advocacy, in and out of the United States government.

As Special Representative for Global Partnerships at State Department during the Obama Administration, I worked closely with Rabbi David Saperstein, then the U.S. Ambassador-at-Large for Religious Freedom as well as Farrah Pandith, who was the Special Representative for Muslim Communities. I also worked with the White House Council for Faith-Based and Neighborhood Partnerships, founded by President Obama to promote religious freedom, equity and social justice, and I continue to work with the Biden-Harris White House Office of Faith and Community Engagement.

Political participation is a fundamental right of all Americans. Just as I have exercised that right, I believe others should have every opportunity to do the same. My comments in no way mean to suggest that Jewish Americans, Cuban Americans, or any Americans do not have the right to organize and express themselves politically. On the contrary, that is a cherished part of the democratic process. Having the freedom to contribute financially in support of our political beliefs is an essential aspect of our right to political participation that so many Americans, including me, are blessed to be able to exercise in the United States. I support and defend all Americans' right to politically organize and speak freely, including through financial contributions.

If confirmed, as Ambassador to Brazil, I will also tirelessly act and speak out against antisemitism and defend the rights of the Cuban people to freedom of speech, religion, and assembly in a democratically elected government. I enthusiastically look forward to advancing these fundamental American values.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. ELIZABETH FAWLEY BAGLEY BY SENATOR MARCO RUBIO

Question. Brazil is one of our major non-NATO allies in Latin America and one of our strongest relationships. Our trade with Brazil has grown in the last few years, despite the pandemic. Brazil regularly participates in military exercises and law enforcement cooperation. Despite all the reasons for maintaining this critical relationship, President Biden has reportedly refused to take any calls from Brazil's President Bolsonaro since taking office. This is a decisive break from past policy. President Reagan met with Brazilian presidents who did not share some of his views while President W. Bush still worked with President Lula, even though Lula supported Fidel Castro. This policy is having disastrous effects for American national security—)Brazil has stopped backing U.S.-led initiatives.

- If confirmed, will you commit to work with the Bolsonaro administration on initiatives that advance American national security and enhance the U.S.-Brazil Relationship? Specifically, what initiatives will you prioritize?

Answer. If confirmed, I will expand on the many bilateral initiatives through which we engage Brazil related to security and other priority issues. The United States maintains an active engagement with Brazil through over 20 regular dialogues and forums on the full range of political, economic, and security issues. For example, the State Department held the U.S.-Brazil High-Level Dialogue in late April and an inter-agency cybersecurity roundtable in May. At the U.S.-Brazil High Level Dialogue, Under Secretary Fernandez and Under Secretary Nuland discussed peacekeeping operations, cyber security, and expanding our security cooperation relationship. There will be a Political-Military Dialogue and the Space Security Dialogue in June, and Strategic Defense Talks in August.

Moreover, Mission Brazil maintains a robust interagency law enforcement presence that provides ongoing and continual support to Brazilian law enforcement on investigative matters, including to build capacity to investigate allegations of police involvement in extrajudicial killings. They also maintain an excellent working rela-

tionship with Brazilian law enforcement to combat international drug trafficking and money laundering organizations that affect the United States. For example, Brazilian law enforcement welcomed President Biden's recent Executive Order against the drug trade and Treasury's imposition of financial sanctions on the Primeiro Comando da Capital (PCC). U.S. assistance is actively advancing Brazil-led efforts to disrupt TCO expansion. For example, Brazilian officials trained by the FBI and International Narcotics and Law Enforcement Affairs (INL) bureau supported the transfer of 22 PCC leaders from Sao Paulo state prisons to three higher-security federal prisons.

Question. How will you repair the damage President Biden has inflicted on the U.S.-Brazil relationship?

Answer. If confirmed, I will build up our broad and long-standing positive relationship with Brazil based on shared commitments to democracy, human rights, economic prosperity, the rule of law, and security.

In addition to the more than 20 regular dialogues and forums like the U.S.-Brazil High-Level Dialogue in late April, we have had several other high-level visits. U.S. National Security Adviser Jake Sullivan visited Brazil and hosted his counterpart in Washington, for example. Secretary Blinken has spoken with his Brazilian counterpart several times, as have other U.S. cabinet-level officials, and Brazil's Ambassador Nestor Forster Jr. was at the White House. We also welcome Brazil's participation at the Summit of the Americas, which the United States will be hosting in June in Los Angeles and where President Biden will have several opportunities to engage with President Bolsonaro if he attends.

The case of Elian Gonzalez was and continues to be deeply felt in the Cuban-American Community, especially in South Florida. So many Cuban Americans worked to escape the cruelty and oppression of the Castros in order to take part in the American Dream. For these Cuban Americans, Elian Gonzalez was one of them. And through the sacrifice of his mother, who sadly drowned on the dangerous journey to Florida, made it to our shores. The decision to return him to Cuba was understandably traumatic for his relatives in Miami and for the wider community. After the decision was made to return Elian to Cuba, you hosted Elian and his father at your house in Georgetown for a pool party. As innocuous as this is, it calls into question your ability to see this regime for what it is.

Question. When you hosted Elian at your house, were you aware of the long custody battle between his relatives in Miami and his relatives in Cuba?

Answer. As a private citizen, I was aware of the custody dispute over Elian Gonzalez in 2000. During that period, a friend with a son the same age as my son and who had a role in the case told me that Elian wanted to meet children his age. Elian, my friend's son, and my six-year old son, swam, played video games, and ate hot dogs. That was the extent of my involvement in the Elian Gonzalez case.

In retrospect, it was a mistake to be involved in any way, but at the time I viewed the offer to use my swimming pool as nothing more than a gesture of kindness to a child around my son's age. That invitation did not reflect any position on his custody case or Cuba policy more generally. That invitation will also in no way impact how, if confirmed, I would carry out my duties to represent the United States in Brazil.

As Ambassador, if confirmed, I will continue to support Cubans' aspirations for freedom and for greater economic opportunities. I will also continue to call on the Cuban government to immediately release political prisoners, to respect the Cuban people's fundamental freedoms and to allow the Cuban people to determine their own futures.

Question. What role did you play in the decision to return Elian to Cuba?

Answer. I had no special insight or information into his case or any influence over the decision or outcome of his case.

Question. I am concerned about your previously comments regarding extremely passionate communities, like the Cuban American community and the Jewish community in advocating for the policies you believe in. Specifically, you said "there was no reason for the Democrats to think they could get it, but they still thought they could get some money from them, and they did. The foundation played both sides. But, we lost Florida in 1992, although we won it in 1996. It was not just Florida; it was also New Jersey where now they say the Cuban population there is even more radical against Castro than the ones in Miami. The real hardliners are in Newark, New Jersey, which has the second largest Cuban population in the United States. So, it is still a factor. Again, it is not numbers, it is like the Jewish factor, it's money. It is important in certain primaries." These comments seem to imply you

don't think politicians should reach out to seek the support of "hardline" communities. This seems to deny the rights of these communities to advocate for policies they believe in.

• Do you stand by these comments today?

Answer. I apologize for and deeply regret the poorly considered remarks on Cuban Americans and Jewish Americans I made 24 years ago as part of oral history project about foreign affairs. Those comments in no way reflect my views then or now about the important political, economic, and cultural contributions of both communities in the fabric of our society and to the democratic institutions of our great country.

Throughout my career, spanning over four decades of service to the United States, I have supported the rights of all people to have a voice in U.S. policy. For more than 30 years, I have been an active member of the Board of the National Democratic Institute, which has worked with the Cuban-American community and with Cuban democracy activists since 1991, sharing information and building capacity among civil society actors seeking meaningful political and economic reforms and peaceful democratic change. I have also worked closely with Jewish Americans during my career in political advocacy.

As Special Representative for Global Partnerships at State Department during the Obama Administration, I worked closely with Rabbi David Saperstein, then the U.S. Ambassador-at-Large for Religious Freedom as well as Farrah Pandith, who was the Special Representative for Muslim Communities. I also worked with the White House Council for Faith-Based and Neighborhood Partnerships, founded by President Obama to promote religious freedom, equity, and social justice, and I continue to work with the Biden-Harris White House Office of Faith and Community Engagement.

Political participation is a fundamental right of all Americans. Just as I have exercised that right, I believe others should have every opportunity to do the same. My comments in no way mean to suggest that Jewish Americans, Cuban Americans, or any Americans do not have the right to organize and express themselves politically. On the contrary, that is a cherished part of the democratic process. Having the freedom to contribute financially in support of our political beliefs is an essential aspect of our right to political participation that so many Americans, including me, are blessed to be able to exercise in the United States. I support and defend all Americans' right to politically organize and speak freely, including through financial contributions.

If confirmed, as Ambassador to Brazil, I will also tirelessly act and speak out against antisemitism and defend the rights of the Cuban people to peaceful democratic change, human rights, and the rule of law. I enthusiastically look forward to advancing these fundamental American values.

Question. How do you respond to those that argue these comments damage your ability to effectively represent the United States in Brazil?

Answer. Those comments in no way reflect my views, then or now. If confirmed, I will vocally condemn discrimination and defend the rights of the Cuban people and the Jewish community. I will ensure my work and my communication embody fundamental American values and will forcefully condemn antisemitism and discrimination against any group, as I have done over my 40 years of public service.

Question. If confirmed, will you avoid reaching out to so-called "hardline" communities in Brazil?

Answer. If confirmed, as Ambassador to Brazil, I will engage and embrace the vastly diverse communities in Brazil, advancing our mission objectives to promote freedom of expression and inclusion of all communities. It is essential that ambassadors hear from a broad range of voices within the countries where they work, and I will ensure I reach out to all groups that will provide that diversity of perspectives.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. ELIZABETH FAWLEY BAGLEY BY SENATOR EDWARD J. MARKEY

Question. Indigenous peoples and other local communities in Brazil are regarded as crucial "Guardians of the Forests"; innumerable studies have shown that properly recognized and protected Indigenous territories are an effective bulwark against deforestation. Many advocates face death threats and cyber-attacks because of their work.

- If confirmed, do you commit to speaking out publicly in defense of these courageous communities and individuals when their lives are at risk on account of their dedication to preserving their ancestral lands and preventing the destruction of the Amazon?

Answer. The rights of indigenous peoples and environmental defenders are critical to the preservation of the Amazon, promoting human rights of the most vulnerable communities, and addressing climate change. If confirmed, I will commit to speaking out publicly to shed greater light on the rights of indigenous peoples and environmental defenders and the threats and violence they face in preserving their ancestral lands and the Amazon.

I will continue to raise concerns over illegal logging, mining, and deforestation, as well as about transnational criminal organizations, all of which directly harm vulnerable indigenous, quilombola, and traditional communities.

Question. What steps would you take as Ambassador to Brazil in supporting and uplifting local communities as crucial players in the struggle against deforestation and addressing the effects of climate change?

Answer. Through partnerships with the Brazilian Government and NGOs, the State Department and USAID engage with and support indigenous and quilombola communities. They work with civil society and indigenous leaders to increase Brazil's capacity to preserve protected lands, prevent illegal exploitation of natural resources, and combat forced labor in these industries. Human Rights and Democracy Funds from the Democracy, Human Rights, and Labor Bureau support local organizations working on indigenous rights in Latin America, including Brazil.

If confirmed, I will continue to seek ways to expand our support for, and Brazil's inclusion of, these communities.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. MARI CARMEN APONTE BY SENATOR ROBERT MENENDEZ

Migration

Question. Panama continues to embrace migration policies that, while generously extending humanitarian assistance, also facilitate the "controlled flow" of a certain number of migrants through Panama each day. This policy gets us no closer to establishing a regional comprehensive solution to our hemisphere's historic refugee and migration challenges.

- If confirmed, what steps will you take to find alternatives to Panama's "controlled flow" migration policies?

Answer. If confirmed, I will work closely with the Panamanian Government to address irregular migration and forced displacement, including alternatives to controlled flow. Irregular migration remains a regional challenge that requires a regional response, and we look forward to addressing this issue at the Summit of the Americas. To effectively end controlled flow, I will work with Panama to increase their capacity to screen asylum seekers, provide protection to refugees, and to increase the capacity of migration reception stations in the Darien region. Secretary Blinken traveled to Panama April 19–20 to co-host a Ministerial on Migration and Protection. The United States and Panama signed a bilateral Arrangement on Migration and Protection on April 19 which will advance further humane migration management, stabilization of host communities, and legal pathways. If confirmed, I will continue this collaboration on a shared approach to addressing migration.

Anomalous Health Incidents

Question. I am very concerned about directed energy attacks on U.S. Government personnel (so-called Anomalous Health Incidents). Ensuring the safety and security of our personnel abroad falls largely on individual Chiefs of Mission and the response of officers at post. It is imperative that any individual who reports a suspected incident be responded to promptly, equitably, and compassionately.

- Do you agree these incidents must be taken seriously, and pose a threat to the health of U.S. personnel?

Answer. Yes. If confirmed, I will take nothing more seriously than the health and security of the people who will work with me. I understand the interagency community continues its investigation into AHIs. I understand AHIs remain a top priority for Secretary Blinken, who set clear goals for the Health Incident Response Task Force to strengthen the Department's communication with its workforce, provide

care for affected employees and family members, and better protect against these events in the future.

Question. If confirmed, do you commit to ensuring that any reported incident is treated seriously and reported quickly through the appropriate channels, and that any affected individuals receive prompt access to medical care?

Answer. Yes. If confirmed, I will do everything possible to ensure that employees who report a possible AHI receive immediate and appropriate attention and care and report the incident through appropriate channels.

Question. Do you commit to meeting with medical staff and the RSO at post to discuss any past reported incidents and ensure that all protocols are being followed?

Answer. Yes. If confirmed, I will take nothing more seriously than the health and security of the people who work at U.S. Embassy Panama City. I commit to working with health and security officials and other parties as recommended to establish and maintain appropriate protocols and ensure a healthy working environment for both Americans and local staff.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. MARI CARMEN APONTE BY SENATOR JAMES E. RISCH

WESTERN HEMISPHERE

China

Question. Panama switched diplomatic recognition from Taiwan to the People's Republic of China in 2017, and is now a member of the PRC's Belt and Road Initiative (BRI). This week, Panama President Laurentino Cortizo said he is planning to restart negotiations with China to reach a trade agreement.

- What is your assessment of the current state of Panama-China relations?

Answer. I remain concerned about the People's Republic of China (PRC), which remains a significant economic partner for Panama. Panama established diplomatic ties with Beijing in June 2017 under the former Varela administration, which signed 45 bilateral instruments, began negotiations on a Panama-China Free Trade Agreement (FTA) and allowed PRC state-owned enterprises to win major tenders. President Cortizo's administration continues to engage with the PRC, but no major tenders over $1 million dollars have been awarded to PRC entities since President Cortizo took office in 2019, and large projects have been restructured away from PRC firms when the projects stalled, with U.S. and European investors gaining ground. If confirmed, I will urge Panama to approach PRC investments in critical sectors with caution and push for international best practices in terms of transparency.

Question. What specific actions will you take to highlight the consequences of the CCP's non-transparent and coercive economic, financial, and lending practices in order to counter its negative influence in Panama?

Answer. If confirmed, I will urge Panama to approach PRC investments in critical infrastructure and sensitive sectors with caution and push for transparency in line with international best practices, which I am glad to see President Cortizo himself called for as well. In September 2021, the Panamanian Government announced a large new PRC port project had failed its audit; a Western European investor will likely take it over. Additionally, many other PRC projects stalled and failed to deliver promised investment and job creation. Panamanian officials have acted in recent months to address concerns with several specific PRC-based firms and projects. If confirmed, I will encourage Panama to continue close auditing of all potential PRC related projects.

Question. Please explain how you plan to communicate with the Panamanian people about the challenges posed by the People's Republic of China to international norms.

Answer. If confirmed, I will work with Panamanian officials to strengthen the integrity of the United Nations and multilateral system against harmful efforts from the PRC and others to undermine the international rules-based system, including respect for democracy, transparency, and the rule of law. I will also promote the United States as the prime source of investment and partnership. The United States still commands much higher favorability among most Panamanians, and if confirmed, I will continue to reach out to the Panamanian people through public diplo-

macy and engagement activities. I would also continue to support ongoing Embassy efforts to build strong relations, including on shared multilateral priorities, and security programs with local communities and governments, which have already served as effective counterpoints to the PRC's efforts to increase its influence in Panamanian provinces.

Question. If confirmed, how would you communicate concerns about the use of untrustworthy technologies, such as Huawei's in Panama?

Answer. Panama should ensure that its valued assets such as telecommunications maintain the highest standards and remain free of corruption. Following recent changes to the telecom market in Panama, the providers that remain are already skeptical of Huawei's capabilities and intentions. This provides an excellent opportunity to promote interoperable approaches to network architecture, such as the development of open Radio Access Networks (Open RAN) technologies, as they have the potential to increase the number of trustworthy suppliers in the market and to lower costs and improve security.

Migration

Question. Panama has called for more international support to handle the illegal migration flow through its borders, claiming that that over 126,000 migrants entered Panama in 2021.

- What would be the impact of rescinding Title 42 authority at the southwest border on the flow of illegal migration affecting the region?

Answer. The United States promotes safe, humane, and orderly migration. I understand the Administration continues its due diligence to prepare for potential changes if the Title 42 suspension goes into effect; I will focus on working with Panama to jointly address our shared migration challenges. The United States and Panama signed a bilateral Arrangement on Migration and Protection on April 19 which will advance further humane migration management, stabilization of host communities, and legal pathways. We must work together on shared responsibilities that require a regional approach, including enhancing border security, combating the organized criminal organizations that profit from migrant smuggling, and protecting refugees, asylum seekers, and vulnerable migrants.

Question. Please explain your understanding of the involvement of criminal organizations in illegal migration?

Answer. Criminal organizations profit from migrant smuggling and exploiting vulnerable people, including migrants, in human trafficking. Panamanian authorities continue making progress combatting migrant smuggling and work closely with U.S. law enforcement agencies to hold accountable those responsible for human trafficking. The Government of Panama recently sent two officials to work in the Joint Border Intelligence Group in El Salvador, where they coordinated with U.S. officials to arrest several suspected child sex traffickers active in Panama. However, Panama remains a Tier 2 country in the 2021 Trafficking in Persons Report and did not fully meet the minimum standards for the elimination of trafficking. If confirmed, I will encourage Panama to consider amendments to the anti-trafficking law and to intensify law enforcement efforts to proactively investigate and prosecute both labor and sex trafficking crimes so that authorities hold traffickers accountable for their crimes.

Question. If confirmed, how would you engage with the Panamanian Government to have a more productive role in migration management.

Answer. Panama remains well-positioned to take on an increased leadership role in the region, particularly in helping humanely manage migration in the region. Panama co-hosted with the United States an April 19-20 Ministerial on Migration and Protection. If confirmed, I will encourage Panama to be a leader in the region on migration issues and work with Panamanian leaders to explore options for asylum seekers to legally stay in Panama and to review their adjudication criteria and processes with a view to allowing more asylum cases to succeed. If confirmed, I will also ensure U.S. foreign assistance continues to strengthen Panama's border security, counter organized crime, and reduce corruption, which remain among the root causes of irregular migration.

Law Enforcement

Question. Panama is a reliable partner in the fight against illicit narcotics.

- Please explain how an increase on coca cultivation in South America impacts the ability of the Panamanian Government to effectively reduce the flow of illicit narcotics through its territory and into the United States.

Answer. Panama plays a critical role as a regional security leader, particularly in combatting narco-trafficking. With strong U.S. support, Panamanian authorities seized a record 145 metric tons of narcotics in 2021, 60 percent more than its 2019 record year. The U.S. Government invests significantly in Panama's security and border management. The State Department's Bureau of International Narcotics and Law Enforcement Affairs' (INL) provides training and equipment to Panamanian law enforcement agencies, prosecutors, and judges to reduce narcotics trafficking and organized crime that threaten the United States. INL works closely with U.S. law enforcement agencies to achieve U.S. security objectives in Panama.

Question. Please describe the top U.S. law enforcement priorities in Panama.

Answer. If confirmed, my top goals for our already robust security relationship would include maintaining the United States as Panama's preferred security partner, mitigating any threats to the United States and U.S. interests, and furthering bilateral cooperation and interoperability. The U.S. Government prioritizes the strengthening of Panamanian security institutions and our bilateral security cooperation in the areas of counternarcotics; countering irregular migration; citizen, maritime, and border security; counterterrorism; and cyber issues. If confirmed, I would also advocate to continue training programs for Panamanian police, investigators, and prosecutors, to help Panama combat money laundering, other financial crimes, and corruption.

HUMAN RIGHTS

Trafficking in Persons

Question. In the State Department's 2021 Trafficking in Persons Report, Panama was identified as remaining on Tier 2 due to continued lack of prosecutions and convictions of traffickers, failure to amend their anti-trafficking law, and instances of abuse in national shelters.

- How will you work with the Panamanians to address these issues if you are confirmed as Ambassador?

Answer. If confirmed, I will continue efforts to help Panama increase specialized victim services and work with my Mission team to encourage the Government to continue developing and institutionalizing anti-trafficking training offerings for relevant officials, including investigators, prosecutors, and judges.

Question. If confirmed, what concrete steps can you take to address this issue with the Government of Panama?

Answer. If confirmed, I will encourage the Panamanian Government to amend its current anti-trafficking law to remove the requirement that a trafficking crime involve movement of persons, implement proactive screening efforts to identify trafficking victims, and allocate dedicated funding for victim services, including trafficking-specific shelter options. If confirmed, I will encourage Panama to intensify law enforcement efforts to proactively investigate and prosecute both labor and sex trafficking crimes so that authorities can hold traffickers accountable for their crimes.

Religious Freedom

Question. In the State Department's 2020 International Religious Freedom report, Panama was identified as having societal and governmental respect for religious freedom.

- What is your assessment of this particular issue and if confirmed, how will you work with the Ambassador-at-Large for International Religious Freedom to bolster religious freedom in-country?

Answer. Panama represents an example of how a strong democracy respects and bolsters religious freedom. Its government generally understands that any threat to religious freedom constitutes a threat to human rights in the region. If confirmed, I will work with the Ambassador-at-Large for International Religious Freedom to bolster many of the ways Panama already works to protect freedom of religion or belief. If confirmed, I will lead the Embassy as it continues its work confirming the freedom of minority religions to practice without interference, including through annual contributions to the International Religious Freedom Report, and work closely with the Ambassador-at-Large in case we identify issues of particular concern.

Question. If confirmed, do you commit to personally engaging with civil society on this issue?

Answer. If confirmed, I will continue to champion Embassy's work meeting directly with religious and spiritual leaders, including indigenous leaders, through

interfaith roundtables and discussions. I will meet regularly with government officials responsible for religious affairs at both the central and municipal levels. If confirmed, I will ensure Mission officers continue to raise awareness of religious freedom issues regularly and repeatedly with civil society and government officials.

Question. If confirmed, what concrete steps can you take to help Panama increase their societal and governmental respect for religious freedom?

Answer. Panama's Government in general respects religious freedom. Panama's society generally respects religious freedom too. However, in some cases, minority religions face societal ignorance about their practices, which can occasionally result in misunderstandings or conflict. I firmly believe in universal respect for the right to freedom of religion or belief for all, and if confirmed hope to publicly amplify this point to Panama. Such work should include highlighting minority religious practices, such as celebrating Passover with the Panamanian-Jewish community or attending a service at Panama's Baha'i House of Worship, which celebrated its fiftieth anniversary this year.

Human Rights

Question. In the State Department's 2021 Human Rights Report, Panama was identified as having significant human rights abuses including restrictions on freedom of expression and the freedom of the press.

- If confirmed, what steps will you take to address these instances with the host government?

Answer. If confirmed, I will work with mission staff to bolster the ability of civil society to demand respect for freedom of expression, including for members of the press, through trainings and public messaging campaigns. The Embassy will continue to regularly engage with members of the press and media association representatives to understand the challenges they face and offer our steadfast support. If confirmed, I will advocate for press freedom and democratic values, to help protect journalists' ability to do their jobs without fear of threats or intimidation. The mission, under my leadership, will continue to celebrate the bravery of journalists, who remain indispensable to a functional democracy. We will continue to support media practitioners through exchanges and other opportunities for development, including to enhance their investigative journalism skills so they can better demand transparency, uncover the truth, and check the abuse of power.

Question. How will you direct your embassy to work with civil society organizations to improve the human rights situation on the ground?

Answer. If confirmed, I will work with embassy staff to strengthen partnerships with civil society organizations seeking to improve the human rights situation in Panama. Through the Central America Regional Security Initiative (CARSI), the United States has provided funding to organizations that offer training and technical assistance to strengthen Panama's democratic institutions, expose corruption and demand transparency from the Government, as well as strengthen the capacity of civil society organizations to promote human rights. If confirmed, I will support continuing to direct these funds to the critical work of civil society organizations. If confirmed, I will also work to elevate and amplify civil society advocacy on behalf of underserved populations—especially those that face immense systemic prejudice, such as indigenous, Afro-, and LGBTQI+ Panamanians, as well as religious minorities. I will press the Embassy to continue reporting on the human rights situation in Panama and issues of concern, including through the annual reporting requirements for the Human Rights Report.

International Organizations

Question. The Office of Multilateral Strategy and Personnel (MSP) in the State Department's bureau of International Organizations is leading a whole-of-government effort to identify, recruit, and install qualified, independent personnel at the U.N., including in elections for specialized bodies like the International Telecommunications Union (ITU). There is an American candidate, Doreen Bogdan-Martin, who if elected would be the first American and first woman to lead the ITU. She is in a tough race that will require early, consistent engagement across capitals and within the U.N. member states.

- If confirmed, do you commit to demarching the Panamanian Government and any other counterparts necessary to encourage their support of Ms. Bogdan-Martin?

Answer. If confirmed, I commit to demarche the Panamanian Government and any other counterparts necessary to secure support for the September election of

Ms. Bogdan-Martin as Secretary-General of the International Telecommunication Union (ITU). I will underscore the importance of the ITU election and emphasize that, with nearly 30 years of experience at the ITU, Ms. Bogdan-Martin represents the most qualified candidate to advance our shared priorities at the ITU, including promoting universal connectivity that is safe, inclusive, and affordable, as well as strengthening the ITU's partnerships with stakeholders and its governance and accountability.

Question. If confirmed, how can you work with the International Organizations (IO) bureau and other stakeholders to identify, recruit, and install qualified Americans in positions like the Junior Program Officer (JPO) program at the U.N.?

Answer. If confirmed, I commit to working with the IO bureau and other stakeholders to assist in identifying, recruiting, and installing qualified individuals in positions, including Junior Professional Officer (JPO) positions, at the U.N. If confirmed, I will continue to nurture my connections throughout the State Department, interagency, and private sector to increase U.S. citizen representation in the U.N. in order to advance U.S. interests and values such as innovation, ethical conduct, transparency, and accountability.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. MARI CARMEN APONTE BY SENATOR BENJAMIN L. CARDIN

Money Laundering and Tax Evasion

Question. In June 2019, Panama was added once again to the multilateral Financial Action Task Force's gray list of countries with deficiencies in their standards to deter money laundering and combat terrorist financing.

- If confirmed, how would you assess Panama's regulatory and investigatory efforts to combat money laundering?

Answer. President Cortizo's administration has prioritized achieving Panama's removal from the Financial Action Task Force's Grey List, although more remains to be done. The United States assists Panama to build a more effective anti-money laundering regime in part through a joint Anti-Money Laundering and Anti-Corruption Task Force, which has led to increases in arrests and prosecutions. Panama has also passed several laws to strengthen its anti-money laundering capabilities to bring them closer to international standards. If confirmed, I will continue working with the Panamanian Government to strengthen its ability to detect, investigate, and prosecute money laundering and terrorist financing cases.

Question. In your view, to what extent has the release of the Pandora Papers raised concerns regarding Panama's efforts to deter money laundering and illicit tax evasion?

Answer. The information in the Pandora Papers, coming on the heels of the Panama Papers of 2016 and Paradise Papers in 2017, has contributed to concerns by some about Panama's reputation as a high-risk financial jurisdiction. If confirmed, I will continue U.S. Government efforts to encourage Panama to increase transparency and implement appropriate legal frameworks to control corruption and financial malfeasance.

Question. What do you see as the major issues that persist for Panama in the area of governmental corruption and in which sectors?

Answer. The United States supports Panama's efforts to investigate and prosecute officials and others accused of corruption. If confirmed, I will use all tools available—including traditional diplomacy, assistance programs, U.S. support for judicial reform, visa restrictions as appropriate, and our continued support to strengthen the rule of law—to ensure combatting corruption remains a priority. I will also continue to encourage Panama to pass an asset forfeiture law and prioritize prosecution of corruption.

Question. China. In recent years, U.S. policymakers have expressed concerns about China's increased engagement in Latin America and the Caribbean, and the U.S. Southern Command has expressed concerns about China's investment in infrastructure on both ends of the Panama Canal.

- How would you characterize Panama's current relations with China under the Cortizo Government?

Answer. I remain concerned about Panama's relationship with the People's Republic of China, which it has recognized diplomatically since 2017. The PRC re-

mains an important economic partner for Panama. Panama established diplomatic ties with Beijing in June 2017 under the Varela administration, which signed 45 bilateral instruments, began negotiations on a Panama-China Free Trade Agreement (FTA) and allowed PRC state-owned enterprises to win major tenders (greater than $1 million). Panama's engagement with the PRC continues, but with no major tender awards to PRC entities since President Cortizo took office in 2019. Several large PRC-funded projects have since stalled and U.S. and European investors have gained ground. If confirmed, I will urge Panama to approach PRC investments in critical sectors with caution and push for international best practices in terms of transparency.

Question. What types of threats do you think China's infrastructure investments in Panama could pose to U.S. interests in Panama, or to strategic U.S. interests in Latin America?

Answer. Many Latin American countries have expressed concern about PRC's lack of respect for local laws and interests, particularly regarding human rights, labor protections, and environmental protection. The PRC's actions create fundamental challenges for us and the region. If confirmed, I will urge Panama to approach PRC investments in critical infrastructure and sensitive sectors with caution and push for international best practices in terms of transparency, which I am glad to see President Cortizo himself has called for as well. Panama must ensure that its valued assets such as the Panama Canal, ports, energy, and telecommunications sector maintain the highest standards and remain free of corruption.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. MARI CARMEN APONTE BY SENATOR MARCO RUBIO

Question. Panama is critical for U.S. and global supply chains because of the Panama Canal, which handles almost half of all trade moving from Asia to the East Coast of the United States. This makes it an absolutely critical target for the Chinese Communist Party, which, if it could exercise influence over the Panamanian government, could almost overnight cripple the American economy.

- What is your assessment of Chinese-Panamanian relations?

Answer. I remain concerned about the People's Republic of China (PRC)'s influence in Panama; the PRC remains an important economic partner for Panama. Panama established diplomatic relations with Beijing in June 2017 under the former Varela administration, which signed 45 bilateral agreements or arrangements, began negotiations on a Panama-China Free Trade Agreement (FTA), and allowed PRC state-owned enterprises to win major tenders. President Cortizo's administration continues to engage with the PRC, but no major tenders greater than $1 million have been awarded to PRC entities since President Cortizo took office in 2019, and large projects have been restructured away from PRC firms when the projects stalled, with U.S. and European investors gaining ground. If confirmed, I will urge Panama to approach PRC investments in critical sectors with caution and push for international best practices in terms of transparency.

Question. If confirmed, what will you do to encourage Panama to resist the temptations offered by the CCP through its malicious Belt and Road initiative?

Answer. If confirmed, I will vigorously promote the United States as Panama's committed partner, emphasizing our common democratic values and strong track record of success. I will communicate to Panama's Government the security risks to Panama's infrastructure from PRC partners, including the Panama Canal and telecommunications networks infrastructure. I will also call attention to the poor-quality and costly infrastructure projects financed by the PRC and promote high-standard and transparent investment by the United States and our partners. If confirmed, I would continue to support ongoing Embassy efforts to build strong relations and security programs with local governments, which have already served as effective counterpoints to the PRC's efforts to increase its influence in Panamanian provinces.

Question. Near the end of the previous administration, the U.S. announced new private investment in Panama's infrastructure through the America Crece initiative.

- In your preparations for the confirmation process, has the State Department briefed you on America Crece and its support for ongoing projects in Panama?

Answer. Yes, as a part of my briefings, I received background on America Crece and the work done in the last administration to catalyze investment in Panama and

the region. The Department also briefed me on the continued work with Panama to promote quality infrastructure investment, promoting energy diversification, and other projects that provide investment opportunities in climate, technology, energy, and health. If confirmed, I will continue our Mission's cooperation with Panama, including with the interagency, to support enabling environments for infrastructure investment that remains transparent, competitive, corruption-free, and in line with best practices.

Question. If confirmed, how will you support American companies operating in Panama so that these projects come to fruition?

Answer. If confirmed, I will work for fair treatment of U.S. businesses and citizens in Panama to make new and continued investment a reality, consistent with the U.S.-Panama Trade and Promotion Agreement. If confirmed, I look forward to working with Panama to promote transparent and sustainable infrastructure development in the region that adheres to best practices and mobilizes investment. Investment by regional partners and the private sector remain critical to narrowing the massive global gaps in physical, digital, and human infrastructure widened by the pandemic. I will also coordinate with interagency partners including the U.S. Trade and Development Agency, the U.S. International Development Finance Corporation, and Treasury on updates from previous projects under the America Crece initiative.

Question. The Biden administration's policies have been disastrous for our southern border. While everyone is speaking about the reversal of Title 42, the Biden administration continues to ignore other hotspots throughout the hemisphere. One of these is the Darien Gap, a stretch of rainforest in Panama, through which nearly 100,000 people travelled through last year intending to cross into the United States.

- What do you know of the Biden administration's efforts to support the Government of Panama's attempts to control the follow of illegal immigrants through the Darien Gap?

Answer. The United States promotes safe, humane, and orderly migration. All governments in the region must work to promote the development and use of legal migration pathways and to humanely manage migration. The administration supports the Panamanian Government in the Darien Gap through support for border security and the provision of humanitarian aid. The United States and Panama signed a bilateral Arrangement on Migration and Protection on April 19 which will advance further humane migration management, stabilization of host communities, and legal pathways. If confirmed, I will continue this collaboration on a shared approach to addressing irregular migration.

Question. If confirmed, what will you do to direct U.S. assistance to Panama to address the situation in the Darien Gap?

Answer. Current assistance for Panama in the Darien Gap includes capacity building and staff for migration authorities, shelter, health, protection, legal services, and other basic humanitarian aid. If confirmed, I will continue to encourage Panama to proactively provide options for asylum seekers to legally stay in Panama and to review their adjudication criteria and processes with a view to allowing more asylum cases to succeed. If confirmed, I will encourage Panama to prioritize funding to the National Office for the Protection of Refugees (ONPAR) and to increase the political will to provide protection and regularize the status of vulnerable migrants, refugees, and asylum seekers.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO DR. FRANCISCO O. MORA BY SENATOR ROBERT MENENDEZ

Cuba

Question. In January 2017, you gave an interview with Florida International University in which you said, "Other than the representatives, or some of the representatives, of the Cuban-American community, there are no other constituencies in this country asking for policy reversal [of President Obama's Cuba policies]." In the same interview, you said reversing these policies was "illogical" and that arguments for doing so demonstrated "a domestic political issue completely devoid from a rational, objective analysis of what is in our national interest."

- Could you please clarify what you meant by this statement?

Answer. Our approach must depend on the circumstances in front of us. Since the Cuban Government's brutal response to the July 11 protests, suppression of Novem-

ber 15 protests, and incarceration of dissidents, the regime has made no movement to reform. Given the circumstances, we must continue to pressure the dictatorship and support the Cuban people. All my adult life I have strived to find ways to bring an end to the brutal dictatorship in Cuba and restore dignity to the Cuban people. This is not merely a professional or moral imperative but—as a Cuban-American—a deeply personal one. I will, if confirmed, continue to find ways in the OAS to pressure the dictatorship, call out its systemic abuses, and support the Cuban people.

Dis/Misinformation

Question. Recent years have shown that one of the most pressing democratic challenges facing our hemisphere is the issue of disinformation and misinformation, the intentional and accidental spread of misleading, inaccurate, or false news. In Latin American and the Caribbean, authoritarian governments such as China and Russia, and domestic undemocratic actors have engaged in such activities to interfere with democratic elections, manipulate vulnerable information environments, and undermine United States national interests.

- If confirmed, what steps will you take at the OAS to counter the impact of disinformation and misinformation, and how will you strengthen resilience against such activities across the region?

Answer. The issue of disinformation and misinformation in the hemisphere is a personal concern of mine. It poses a threat to the values enshrined in the Inter-American Democratic Charter and democratic governance in the hemisphere. I will, if confirmed, actively remain committed to strengthening our cooperation with the OAS general secretariat, member states, and permanent observers to develop and reinforce initiatives to counter the impact of disinformation and misinformation across the region. I believe it is by developing like-minded coalitions, through OAS working groups, OAS resolutions, and active informal and formal discussions, that we can strengthen resilience against such activities across the region.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO DR. FRANCISCO O. MORA BY SENATOR JAMES E. RISCH

Cuba

Question. Hundreds of Cuban activists remain unlawfully imprisoned, yet the Biden administration is returning to unilateral concessions to the Castro/Dϕaz-Canel criminal dictatorship.

- Do you agree that these actions do not comply with statutory requirements under U.S. law?

Answer. I share your concern over the poor treatment of Cuban activists. My goal and objective—which I have strived for practically all my adult life—is to develop policy options to see the Cuban people free from the brutal dictatorship. This is not just a professional or moral imperative but—as a Cuban-American—a deeply personal one. I understand the measures announced by the Administration on May 16 are consistent with U.S. statutes governing the Cuba embargo. If confirmed, I will work with the Administration to faithfully ensure compliance with the law.

Question. How do these actions undermine efforts to support Cuba's democratic opposition?

Answer. Beyond a professional or moral imperative, I am personally committed to pressuring the regime to end its abuses and to supporting the Cuban people. If confirmed, I will do everything in my power at the OAS to use every diplomatic lever to see the Cuban people free from the brutal dictatorship. I believe the Administration is committed to supporting Cubans' right to determine their own future. I understand the Administration has carefully considered how best to support the Cuban people as they fight for their human rights and seek to overcome regime oppression while minimizing any benefits to the Cuban Government.

Venezuela

Question. The OAS has supported efforts to install a democratically elected leader to Venezuela and has discredited the Maduro regime.

- If confirmed, how would you continue to support these efforts?

Answer. Witnessing how a brutal dictatorship impacted my family, I am deeply committed to addressing threats to democracy across the Western Hemisphere, including in Venezuela. If confirmed, I will commit to strengthen OAS member state

commitments to democracy in Venezuela and to continue support and advocate for Venezuela's seated representative in this institution.

Question. Who is the current Venezuelan president?

Answer. The United States recognizes Juan Guaidó as the President of Venezuela.

Question. What impact would easing sanctions on the Maduro regime have on its ability to repress internationally recognized human rights in Venezuela?

Answer. The human rights situation in Venezuela is deplorable. Sanctions promote accountability for Maduro regime actors that engage in corruption or abuse human rights in Venezuela. I know the United States has coordinated and continues to coordinate closely with allies and partners to promote accountability for the regime's human rights abuses through sanctions and other restrictions. If confirmed, I will use every diplomatic lever at the OAS to hold the Maduro regime accountable for its human rights abuses.

Question. What impact would easing sanctions on the Maduro regime have on the effectiveness of our partners throughout the region?

Answer. Maintaining a strong coalition of like-minded hemispheric partners who seek a peaceful restoration of democracy in Venezuela is extremely important. I understand the Administration continues to coordinate with our regional allies and partners aimed at bringing an end to the regime's abuses through sanctions and other restrictions. Like the United States, I know our regional partners remain committed to a Venezuelan-led negotiated solution to Venezuela's crisis. If confirmed, I will do everything I can at the OAS to deepen our partnerships across the region in urging the restoration of democracy, stability, and the rule of law.

International Organizations

Question. A wave of leftist governments in Latin America is weakening the Organization of American States, with Mexico working with Cuba and Venezuela to strengthen groups that exclude the U.S. and Canada, such as the Community of Latin American and Caribbean States (CELAC).

- What would be your efforts to stop these efforts and ensure the OAS remains the preferred regional voice?

Answer. I share your concern about parallel institutions to the OAS that exclude the United States and Canada. The OAS is the premier multilateral forum in the Western Hemisphere and the oldest regional multilateral organization in the world. The Inter-American Democratic Charter is unique to the OAS and underscores the democratic values of the Western Hemisphere. Upholding the Inter-American Democratic Charter depends on OAS member states addressing all threats to democracy in the Western Hemisphere. If confirmed, I will remain deeply committed to cultivating coalitions to address these threats and work closely with Secretary General Almagro to strengthen the OAS as an institution.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO DR. FRANCISCO O. MORA BY SENATOR MARCO RUBIO

Question. Dr. Mora, you're on record criticizing the Trump administration's policies towards Cuba, which were designed to hold accountable a regime that has spent decades torturing and killing its own people. Late last year, when you met with my staff, you said that the historic, organic protests of July 11, 2021 had caused a change of heart in you.

- Why did you think the July 11, 2021 protest was a turning point?

Answer. My goal and objective—which I have strived for practically all my adult life—is to develop policy options to see the Cuban people free from the brutal dictatorship. This is not just a professional or moral imperative but—as a Cuban-American—a deeply personal one. If confirmed, I will do everything in my power at the OAS to continue pressuring the regime and supporting the Cuban people. The Cuban Government's brutal response to the July 11 protests and suppression of the November 15 protests, including sentencing teenagers for demanding their rights, was outrageous and the regime must continue to be held accountable.

Question. In short, what about that particular moment made you realize the evil nature of the Cuban regime?

Answer. I have never doubted the repressive nature of the Cuban regime. As a Cuban-American, I lived up close and personal to the suffering caused by the dicta-

torship. Many family members and friends went to jail or were separated from their loved ones for decades. It was hard on my mother. Our approach should depend on the circumstances in front of us now—without ever sacrificing our principles, values, and national interests. If confirmed, at the OAS, in close partnership with Secretary General Luis Almagro, I hope to continue shining a bright light on the regime's systemic abuses, through formal and informal diplomatic mechanisms.

Question. With the Administration announcing a change in policy to ease travel to the island, how is this consistent with your understanding, or view, of the July 11 protests, and the regime's actions towards the Cubans who raised their voices?

Answer. The regime's repressive actions toward Cubans who raise their voice is unacceptable. I am deeply committed to ensuring Cubans have a voice and can be free from the brutal dictatorship. I understand the Administration is pursuing measures—including lifting certain flight restrictions—to make it easier for families and friends to support each other and independent private entrepreneurs in Cuba, while minimizing any benefits to the Cuban Government. While supporting the Cuban people, the Administration has made clear it will continue to promote accountability for Cuban officials involved in human rights abuses.

Question. As hundreds of protesters who participated in the July 11 protests remain detained, including dozens of children and teenagers, announcing these policies is rewarding the regime for its behavior. Do you agree? Why or why not?

Answer. The situation of hundreds of detained protesters is deeply concerning. If confirmed, at the OAS, I will continue shining a bright light on the regime's systemic abuses. The Biden-Harris administration policy toward Cuba is centered on human rights and empowering the Cuban people to determine their own future, as demonstrated by the State Department's work raising the global profile of those minors punished for simply exercising their rights. I understand that the Administration will continue to hold the Cuban regime accountable for the treatment of Cubans.

Question. If confirmed, how will you work within the OAS to hold the regime accountable for its crimes?

Answer. I will, if confirmed, continue to find ways in the OAS to pressure the dictatorship, call out its systemic abuses, and support the Cuban people. I will engage with OAS member states, permanent observers, Secretary General Luis Almagro, the Inter-American Commission on Human Rights, and Cuban human rights organizations to highlight human rights abuses in Cuba, and to pressure the Cuban regime to release political prisoners immediately and unconditionally and protect the human rights, including freedom of expression, of all individuals in Cuba.

Question. Earlier this week, the Biden administration announced a return to President Obama's policies, which will allow the regime to continue to take a portion of remittances and money sent to the Cuban people.

- What is your position on each of the new changes in U.S.-Cuba policy as announced by the Administration?

Answer. I understand the Administration designed these actions to maximize the benefits to the Cuban people and the independent private sector while minimizing benefits to the Cuban Government. On remittances, the Administration clarified it is maintaining restrictions with respect to companies on the Cuba Restricted List, which would include military-controlled FINCIMEX. If confirmed, I will find ways to further efforts in the OAS to support the Cuban people as they fight for their human rights and seek to overcome regime oppression.

Question. In your assessment, please explain whether each of the policy announcements will provide the regime with more resources to detain and further oppress civil society leaders, peaceful protesters and democracy activists? Why or why not?

Answer. I understand the Administration carefully considered how best to support the Cuban people while minimizing any benefits to the Cuban Government. For example, the Administration is maintaining a prohibition in connection with entities on the Cuba Restricted List.

Question. The administration announced that it would remove Carlos Erick Malpica Flores, a known financier of the Maduro regime, from the sanctions list. The administration is also planning to facilitate Chevron to produce Venezuelan oil. These ridiculous concessions to the Maduro regime are supposedly being done to reward him for agreeing to come back to talks in Mexico City. What these actions are really doing is signaling weakening support for the democratic forces of Venezuela, led by the legitimate interim government under Juan Guaidó.

- Do you recognize Juan Guaidó as the Interim President of Venezuela? Why or why not?

Answer. The United States continues to recognize Interim President Juan Guaidó and the 2015 democratically elected National Assembly.

Question. If confirmed, as U.S. Representative to the OAS, will you continue U.S. policy that recognizes Juan Guaidó as the Interim President of Venezuela?

Answer. If confirmed, I will continue to fully support U.S. policy, which recognizes Interim President Juan Guaidó and the 2015 democratically elected National Assembly. In this vein, I will support and use all diplomatic levers to advocate for Interim President Guaidθ's representative in the OAS.

Question. The OAS has been critical in leading and maintaining the international coalition in support of the Interim Government and a genuine return to free and fair elections in Venezuela. If confirmed, do you commit to supporting the OAS' Venezuela policy?

Answer. I agree the OAS has been a critical forum in supporting the Interim government and highlighting the Maduro regime's human rights abuses. If confirmed, I will support, and strongly advocate for Interim President Guaidθ's representative in the OAS and free and fair elections and restored democracy in Venezuela.

Question. If confirmed, will you oppose any attempt by this administration to soften its stance?

Answer. I will remain committed to advocating for and using every diplomatic lever to keep Interim President Guaidθ's representative in the OAS. I will continue to press for free and fair elections and restored democracy in Venezuela and urge member states to adopt resolutions or other measures advocating for this as well.

Question. Since Biden administration officials met with the Maduro regime in March, at least five OAS member states have resumed diplomatic contacts. Are you concerned by these developments? If confirmed, what will you do to maintain the OAS coalition opposed to Maduro's continued grip on power in Venezuela?

Answer. It is concerning to see several OAS member states resume diplomatic contacts with the Maduro regime. If confirmed, I will commit to immediately strengthening our OAS coalition to ensure increased advocacy on the urgency of restored democracy and rule of law in Venezuela. I will urge member states to issue statements or adopt resolutions advocating this as well and explore additional pressure mechanisms with which to promote accountability for the Maduro regime's abuses.

Question. Last week, the President of Mexico, Andres Manuel Lopez Obrador, or AMLO, announced that he would not attend the Summit of Americas in June unless the United States invites the dictators in Cuba, Venezuela and Nicaragua. He's encouraging other countries to join his boycott. Inviting these three leaders, who have done nothing except destabilize the region and harm their own people, would be disastrous for a summit intended to promote democracy and prosperity in the hemisphere. It would also be a slap in the face to all of the activists, journalists, and opposition politicians in these countries who have worked to hold these regimes accountable.

- In your view, should the United States invite representatives from the dictatorial regimes in Venezuela, Cuba and Nicaragua to the Summit of the Americas?

Answer. I share your concern over the human rights abuses and lack of democracy in Cuba, Venezuela, and Nicaragua. As host of the Ninth Summit of Americas, the United States has discretion over which governments to invite to the Summit. I believe the United States is uniquely positioned to demonstrate itself as a champion of the shared democratic values enshrined in the Inter-American Democratic Charter, and uphold the standard agreed to by leaders at the Third Summit of the Americas in Quebec City in 2001: that a strict respect for rule of law and the democratic system is a prerequisite for participation in the Summit process.

Question. Have you been briefed by the Administration as to whether these regimes have been, or will be, invited to the Summit of the Americas?

Answer. No.

Question. Is inviting these regimes to the Summit consistent with President Biden's statement that human rights and democracy will be at the center of U.S. foreign policy?

Answer. Reaffirming the region's shared dedication to democracy has been a part of leaders' commitments at every Summit of the Americas, and the Ninth Summit

of the Americas should be no different. As host, the United States is uniquely positioned to uphold the standard agreed to by leaders at the Third Summit of Americas in Quebec City in 2001: that a strict respect for rule of law and the democratic system is a prerequisite for participation in the Summit process. At the OAS, I will, if confirmed, use every diplomatic lever to hold these regimes accountable for any actions that undermine the values enshrined in the Inter-American Democratic Charter.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO MICHELLE KWAN BY SENATOR ROBERT MENENDEZ

Economic Ties/Recovery

Question. Like most countries across Latin America and the Caribbean during the pandemic, Belize faced a sharp economic contraction that had serious implications for social spending. As the United States works with our partners from across the hemisphere to facilitate a recovery from COVID–19, it will be incredibly important for us to deepen economic ties with Belize and find new ways to help them gain access to international investment and development funding.

- If confirmed, how will you work with the Government of Belize to strengthen our bilateral economic relationship and help them achieve a strong recovery from the pandemic?

Answer. If confirmed, I will seek opportunities to connect U.S. businesses with investment opportunities in Belize, and push for pro-growth changes to Belize's tax and investment laws. I will also work with the Belizean government to ensure Belize and the United States work together to identify obstacles preventing the facilitation of trade and the ease of doing business. If confirmed, I will ensure that improving the investment climate in Belize will continue to be a Mission priority and that Belize has access to U.S. and international investment and development funding. Belize's selection on December 14, 2021, as eligible to develop a Millennium Challenge Corporation compact provides an excellent example of how the United States and Belize can work together to find innovative sources of investment and development funding.

Anomalous Health Incidents

Question. I am very concerned about directed energy attacks on U.S. government personnel (so-called Anomalous Health Incidents). Ensuring the safety and security of our personnel abroad falls largely on individual Chiefs of Mission and the response of officers at post. It is imperative that any individual who reports a suspected incident be responded to promptly, equitably, and compassionately.

- Do you agree these incidents must be taken seriously, and pose a threat to the health of U.S. personnel?

Answer. Yes. If confirmed, I would take nothing more seriously than the health and security of the people working on my team. I understand the interagency community continues its investigation into AHI. Addressing AHI remains a top priority for Secretary Blinken, who set clear goals for the Health Incident Response Task Force to strengthen the Department's communication with its workforce, provide care for affected employees and family members, and better protect against these events in the future.

Question. If confirmed, do you commit to ensuring that any reported incident is treated seriously and reported quickly through the appropriate channels, and that any affected individuals receive prompt access to medical care?

Answer. Yes. If confirmed, I would do everything possible to ensure that employees who report a possible AHI receive immediate and appropriate attention and care and that embassy personnel would report the incident through appropriate channels.

Question. Do you commit to meeting with medical staff and the RSO at post to discuss any past reported incidents and ensure that all protocols are being followed?

Answer. Yes. If confirmed, I would take nothing more seriously than the health and security of the people who work at U.S. Embassy Belmopan. I commit to working with health and security officials and other parties as recommended to establish

and maintain appropriate protocols and ensure a safe working environment for both Americans and local staff.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO MICHELLE KWAN BY SENATOR JAMES E. RISCH

WESTERN HEMISPHERE

China

Question. Eight countries in Latin America and the Caribbean (out of 14 countries worldwide, including the Vatican) recognize Taiwan. Belize Prime Minister John Briceño (breesegno) visited Taipei, pledging to continue his country's support for Taiwan.

- Please describe your efforts to encourage Belize to maintain its current diplomatic relation with Taiwan.

Answer. If confirmed, I will work closely with the Belizean Government to ensure the United States remains Belize's preferred security and economic partner. The Taiwan-Belize relationship remains an important one based on shared values, including respect for democracy, transparency, and the rule of law, and, if confirmed, I will work to make sure that U.S. and Taiwan development goals and programming remain closely coordinated to help deliver results for the people of Belize while encouraging Belize to maintain its diplomatic ties with Taiwan.

Question. If confirmed, what would you do to bring about more nearshoring opportunities in Belize and strengthen supply chains within our hemisphere?

Answer. Belize's proximity to the United States and its use of English as the common language offer important opportunities. I fully support the strengthening of supply chains within our hemisphere as well as bringing about more nearshoring opportunities in Belize. If confirmed, I would fully promote supply chain transparency, diversification, and resiliency and advocate for a deeper partnership with Belize in this area. I would seek opportunities to promote nearshoring investments in Belize to strengthen critical supply chains wherever possible.

Question. Please explain how you would recommend the United States work to address the worst aspects of China's economic, political, and security influence in Belize and the Western Hemisphere?

Answer. If confirmed, I will work with the Belizean Government to address any potential threats to U.S. national security abroad, including the damaging influence of authoritarian foreign countries, such as the People's Republic of China, in Belize. I would encourage Belize to maintain vigilance in its interactions with foreign actors, such as the PRC, who do not share the same democratic values that we and Belize do. I would work with my team to counter any disinformation spread by foreign governments, particularly regarding U.S. policies or assistance, and keep Washington informed of any attempts by foreign governments to interfere with the U.S.-Belize relationship.

Question. What is your assessment of the current state of Belize-China relations?

Answer. I understand that the relationship between Belize and the People's Republic of China remains limited, although the PRC continues efforts to make inroads, and Huawei has submitted a bid to upgrade Belize's telecommunications systems. Belize remains one of eight countries in the region, and one of 14 countries worldwide, that maintains diplomatic ties with Taiwan. I welcome that current Prime Minister John Briceño continues to affirm Belize's maintenance of diplomatic ties with Taiwan. Taiwan has been a significant development and humanitarian partner for Belize, most recently assisting in Belize's response to COVID–19 and providing a robust platform for student scholarships and exchanges in Taipei.

Question. Please explain how you plan to communicate with the Belize people about the challenges posed by the People's Republic of China to international norms.

Answer. If confirmed, I would use every public diplomacy tool available to communicate with the Belizean people about the challenges posed by the People's Republic of China to the international rules-based order. I would expand on Post's efforts to counter destabilizing PRC influence, including through innovative information literacy training and awareness campaigns. If confirmed, I plan to have candid conversations with the Belizean Government and people about these ongoing challenges.

Question. If confirmed, how would you communicate concerns about the use of untrustworthy technologies, such as Huawei's in Belize?

Answer. The use of telecommunications equipment in Belizean networks made by untrusted vendors, including Huawei, concerns me. Allowing high-risk suppliers like Huawei to supply technology creates risks to national security, critical infrastructure, and privacy. If confirmed, I will lead Embassy Belmopan's ongoing efforts to emphasize to Belizeans the risks associated with Huawei's telecommunications equipment and secure their telecommunications networks with telecommunications equipment produced by trusted U.S. and allied companies.

Drug Trafficking

Question. Please describe your understanding of the areas in which the U.S. and Belize can improve bilateral efforts to target narcotics trafficking in Belize and the region writ large.

Answer. Gang violence, drug trafficking by transnational criminal organizations, and certain porous, unmonitored borders feature among the most serious security threats in Belize. Through the Central America Regional Security Initiative (CARSI), the United States assists Belize to improve border security, professionalize police, and strengthen the rule of law. CARSI programs also enhance Belize's efforts to utilize intelligence-driven operations to target, investigate, and prosecute organized crime. If confirmed, I would continue deepening security cooperation between the United States and Belize. I would also work with our Belizean partners to strengthen porous borders while improving the professionalism of Belizean security.

Cuba

Question. Belize accepted over dozens of Cuban doctors to provide medical services as part of a COVID–19 agreement.

- Do you agree that these Cuban medical missions are a form of human trafficking and if so, what would you do to highlight this issue with the Belize Government?

Answer. The Department of State continues to have serious and ongoing concerns about the allegations of forced labor in Cuba's international labor programs. Since 2010, the State Department has identified indicators of forced labor in Cuba's labor export programs, including their medical missions overseas. Over the last two years, in the Trafficking in Persons Report, the Department found a policy or pattern that Cuba profited from the labor export program amid strong indications of forced labor. The Department's 2021 Trafficking in Persons report listed Cuba as Tier 3. If confirmed, I will urge my counterparts in Belize to take steps to prevent forced labor and seek transparency on contractual agreements between the Cuban Government and Cuban overseas workers, to screen those associated with this program for trafficking indicators, and to protect victims identified.

HUMAN RIGHTS AND INTERNATIONAL ORGANIZATIONS

Trafficking in Persons

Question. In the State Department's 2021 Trafficking in Persons Report, Belize remained on the Tier 2 Watch List for the third consecutive year due to lack of investigations, prosecutions, convictions, and official complicity in trafficking crimes.

- How will you work with the Belizeans to address these issues if you are confirmed as Ambassador? Please detail concrete steps you could take.

Answer. Belize's most recent interim assessment shows the Government has been making notable efforts to fight against trafficking in persons; however, Belize must continue ongoing progress to meet the minimum standards. Belize struggles with enforcement, investigation, and prosecution across all crimes, including trafficking. If confirmed, I would urge the Belizean Government to make significant efforts to combat TIP by strengthening the enforcement of labor and anti-trafficking laws. I would support and expand ongoing U.S. Government programs that seek to improve the capacity of Belize's judicial system to process and prosecute cases, including TIP cases.

Religious Freedom

Question. In the State Department's 2020 International Religious Freedom report, Belize was identified as having societal and governmental respect for religious freedom.

- What is your assessment of this particular issue and if confirmed, how will you work with the Ambassador-at-Large for International Religious Freedom to bolster religious freedom in-country?

Answer. Any threat to religious freedom constitutes a threat to human rights in the region. Although it demonstrates respect for religious freedom, Belize, like all countries, has work to do. If confirmed, I would work with the Ambassador-at-Large for International Religious Freedom on tactics to address challenges faced within Belize. I would call upon the Belizean Government to respect the human rights and fundamental freedoms of its citizens, including freedom of religion or belief.

Human Rights

Question. In the State Department's 2021 Human Rights Report, Belize was identified as having significant human rights abuses, including widespread corruption and impunity for government officials.

- If confirmed, what steps will you take to address these instances with the host government?

Answer. I understand corruption and impunity remain serious problems in Belize. Belize has passed anti-corruption legislation and has various offices tasked with addressing government corruption, but enforcement remains weak. If confirmed, I would support the Department's efforts to improve the efficiency and transparency of Belize's criminal justice system and build Belize's capacity to investigate and prosecute crimes. I would also work with the Belizean Government and my interagency partners to improve Belize's human rights situation.

Question. How will you direct your embassy to work with civil society organizations to improve the human rights situation on the ground?

Answer. I understand that, through our foreign assistance, the U.S. Government helps Belize address governance, security, and human rights challenges. If confirmed, I would continue supporting U.S. assistance to support civil society's efforts to improve governance and human rights conditions. I would also support continuing our practice of utilizing grants programs to amplify Belizean civil society's efforts to improve governance and service delivery and strengthen capacity within civil society and government civil service. If confirmed, I look forward to meeting with civil society leaders to hear their concerns, seek opportunities to work together as appropriate, and strengthen the capacity of civil society organizations to promote human rights.

International Organizations

Question. The Office of Multilateral Strategy and Personnel (MSP) in the State Department's bureau of International Organizations is leading a whole-of-government effort to identify, recruit, and install qualified, independent personnel at the U.N., including in elections for specialized bodies like the International Telecommunications Union (ITU). There is an American candidate, Doreen Bogdan-Martin, who if elected would be the first American and first woman to lead the ITU. She is in a tough race that will require early, consistent engagement across capitals and within the U.N. member states.

- If confirmed, do you commit to demarching the Belizean Government and any other counterparts necessary to encourage their support of Ms. Bogdan-Martin?

Answer. If confirmed, I commit to demarche the Belizean Government and any other counterparts necessary to secure support for the upcoming September election of Ms. Bogdan-Martin as Secretary-General of the International Telecommunication Union (ITU). I will underscore the importance of the ITU election and emphasize that, with nearly 30 years of experience at the ITU, including as director of its development bureau, Ms. Bogdan-Martin is the most qualified candidate to advance our shared priorities at the ITU, including promoting universal connectivity that is safe, inclusive, and affordable, as well as strengthening the ITU's partnerships with stakeholders and its governance and accountability.

Question. If confirmed, how can you work with the International Organizations (IO) bureau and other stakeholders to identify, recruit, and install qualified Americans in positions like the Junior Professional Officer (JPO) program at the U.N.?

Answer. If confirmed, I commit to working with the IO bureau and other stakeholders to assist in identifying, recruiting, and installing qualified individuals in positions, including Junior Professional Officer (JPO) positions, at the U.N. If confirmed, I will continue to nurture my connections throughout the State Department, interagency, and private sector to increase U.S. citizen representation in the U.N.

in order to advance U.S. interests and values such as innovation, ethical conduct, transparency, and accountability.

NOMINATIONS

TUESDAY, MAY 24, 2022

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

The committee met, pursuant to notice, at 2:17 p.m., in Room SD–419, Dirksen Senate Office Building, Hon. Christopher Murphy presiding.

Present: Senators Murphy [presiding], Cardin, Shaheen, Coons, Kaine, Booker, Risch, Johnson, Romney, Portman, Young, and Rounds.

Also Present: Senator Ossoff.

OPENING STATEMENT OF HON. CHRISTOPHER MURPHY, U.S. SENATOR FROM CONNECTICUT

Senator MURPHY. Good afternoon, everyone. This hearing of the Senate Foreign Relations Committee will now come to order.

I am pinch hitting this hearing. We are glad to be joined by the ranking member, Senator Rounds. Today, we have a confirmation hearing doubleheader. So as Ernie Banks said, let us play two. The committee is going to be considering six nominations split on two panels.

First up, we have Ambassador Reuben Brigety to be the Ambassador to South Africa, Ambassador Michael Battle to be the Ambassador to Tanzania, and Ms. Meg Whitman to be the Ambassador to Kenya.

And so seeing that we have two of our colleagues we will postpone our opening statements and let you guys get on your way to votes and other meetings so that you can introduce two of our witnesses.

So why do not I first go to Senator Romney and then to Senator Ossoff to make introductions? We will make opening statements and then we will turn it over to our panel.

So, Senator Romney?

STATEMENT OF HON. MITT ROMNEY, U.S. SENATOR FROM UTAH

Senator ROMNEY. Thank you, Mr. Chairman and Ranking Member Rounds. It is my honor today to introduce Meg Whitman to the committee and offer my full support for her nomination to serve as our Nation's next Ambassador to Kenya.

I have known Meg for more than 40 years. We first met at Bain & Company early in her career. Throughout these past four decades, I have watched Meg build an extraordinary career.

As president and CEO of Hewlett-Packard beginning in 2011, Meg worked to rebuild the legendary American technology company after it fell behind in a changing world.

As a result of her efforts, Hewlett-Packard companies continue to thrive today. From 1998 to 2008, Meg was president and CEO of eBay, a company that helped create e-commerce as we know it.

When Meg arrived at eBay, it was a small company with 30 employees and $4 million in revenues. When she left 10 years later, eBay had 15,000 employees and $8 billion in revenue. Many of the employees hired and mentored by Meg at eBay went on to lead other great technology companies.

Meg graduated from Princeton University in 1977 and Harvard Business School in 1979. While that may not seem like a long time ago, for some of us it was a different era. At a time when women were just beginning to break through many glass ceilings, Meg chartered her own path, consistently delivering results, working hard, and expanding her wealth of knowledge.

There is little doubt that Meg has had great success, but just as important she has earned a reputation for ethical principled behavior. She listens to the views of others and is eager to make her community, our country, and the world a better place.

Meg has also been active for many years in philanthropic causes centered on education and the environment. Meg and her husband, Dr. Griff Harsh, who is also here, have been devoted to one another for more than 40 years.

While they have helped one another building fulfilling careers, they have also created a terrific family together, which is the most important. Meg will tell you that her greatest accomplishment in life has been to raise two wonderful sons.

We all agree that America currently faces enormous challenges across the globe. We also agree that we need our best and brightest to represent America's ideals and interests.

Meg Whitman is expertly suited to take on the hard work of organizing our mission in Kenya and working closely and cooperatively with our Kenyan partners. The United States and the global community desire a prosperous advancing Africa, and Kenya must play a pivotal role in stabilizing and sustaining the region.

America needs Meg Whitman's character, judgment, and sheer determination deployed to Kenya as soon as possible. I urge this committee and my Senate colleagues to support Meg Whitman's swift confirmation.

Thank you, Mr. Chairman.

Senator MURPHY. Thank you, Senator Romney.

Senator Ossoff?

STATEMENT OF HON. JON OSSOFF,
U.S. SENATOR FROM GEORGIA

Senator OSSOFF. Thank you, Mr. Chairman, Ranking Member Rounds. It is an honor to join you today to introduce and recommend for confirmation an outstanding diplomat whom I am proud to call a constituent from my hometown of Atlanta, Georgia, Ambassador Michael Battle.

Ambassador Battle has led an extraordinary career committed to education and public service. He served for 20 years as a chaplain

in the United States Army Reserve, retiring with the rank of lieutenant colonel in 1997.

During the Obama administration, Ambassador Battle served as U.S. Ambassador to the African Union in Ethiopia. He also served that administration as U.S. representative to the United Nations Economic Commission for Africa and as a senior adviser to the State Department's Bureau of African Affairs.

In addition to his government service, Ambassador Battle has served in a variety of leadership roles in higher education in the faith community, including executive vice president in the National Underground Railroad Freedom Center, president of the Inter-Denominational Theological Center in Atlanta, vice president at Chicago State University, associate vice president at Virginia State University, and university chaplain at Hampton University.

Ambassador Battle has been a community leader in Atlanta for years, serving as chair of the Robert W. Woodruff Library of the Atlanta University Center, as a member of the UNCF Institutional Board of Directors, the Atlanta Rotary Club, One Hundred Black Men of Atlanta, and Historically Black Colleges and Universities Congressional Forum Steering Committee.

The Ambassador chaired Atlanta Mayor Shirley Franklin's Advisory Committee for Sustainable Atlanta, served in a variety of roles of the Atlanta Regional Council of Churches, Atlanta Urban League, and the Atlanta Fulton Family Connection, and was a member of the 2008 class of Leadership Atlanta. He holds a lifetime membership in the NAACP and the Southern Christian Leadership Conference.

It is an honor, Mr. Chairman and Ranking Member, to be here alongside Ambassador Battle as he prepares for this pivotal assignment in Tanzania. We need his skilled representation in east Africa. I know he will do this job with honor and effectively.

I thank the committee for consideration of his nomination and humbly urge his swift confirmation.

Thank you, Mr. Chairman.

Senator MURPHY. Thank you very much, Senator Ossoff.

And to supplement that introduction, Senator Portman?

STATEMENT OF HON. ROB PORTMAN, U.S. SENATOR FROM OHIO

Senator PORTMAN. He has to be supplemented because although he is a proud son of Atlanta, he is also a proud son of Cincinnati. So we are going to claim a little of him also.

We are also going to take some credit for Meg Whitman's connection to Cincinnati with regard to our soccer team and the great Procter & Gamble Company, and I am delighted that you are stepping up, as I have told you, to represent us in Kenya at a critical time.

In terms of professor, Ambassador—how many titles do you have? But as you will see in his confirmation today, Michael Battle is an extraordinary guy, and as Senator Ossoff has already told us, he has an amazing background.

His wife, Linda Ann Battle, is also deserving of a lot of credit for his success in life. He has done a lot. He was Ambassador to the African Union. He was Permanent Representative to the U.N. Eco-

nomic Commission on Africa. By the way, those two make you so qualified to take on this role in Tanzania.

He also served as a chaplain in the U.S. Army Reserve Chaplain Corps. As was said, he was a lieutenant colonel when he retired. He has been a professor of religious studies and philosophy at a number of schools—Hampton and Virginia State Universities. I think at Duke as well, as I recall.

Ambassador BATTLE. Graduated from Duke.

Senator PORTMAN. Graduated from Duke. Okay. Well, that is not professorial but it is still impressive. And he is a guy who I saw in service because he was at the Underground Railroad Freedom Center in Cincinnati.

This is a national group that many of us here in the Congress have supported over time and we are delighted to have it. It is a world class cultural learning center, really, a gem for Cincinnati. And Ambassador Battle was the executive vice president and really helped redirect them at a time when they needed some direction.

I worked with him, got to see him in action, saw how he worked on the management side but also externally with the community. It was very impressive. And knows how to teach the story of our history, the good and the bad, including history of cooperation with the Underground Railroad Freedom Center and the search for freedom.

I am delighted that he is going to bring that same level of enthusiasm, passion, and drive to his role as Ambassador to Tanzania and I hope you will all confirm him for that post.

Thank you, Mr. Chairman.

Senator MURPHY. Thank you very much, Senator Rounds. Thank you, Senator Ossoff, for joining us today.

First, let me just ask unanimous consent to enter into the record a statement from Chairman Menendez. Without objection, that will be entered into the record.

[The statement submitted for the record by Chairman Menendez is located at the end of this transcript.]

Senator MURPHY. And let me just say a few opening words to our panel of nominees. You are all before us to represent the United States in three key posts in Africa.

Ambassador Brigety, South Africa has its economic and political challenges, but it remains a clear leader on the continent, a growing economy, a vibrant democracy. It is time for the U.S.-South Africa bilateral relationship to mature.

Our partnership on health is well known and strong, but we can be closer economic and environmental partners and we can work with South Africa better on regional security matters in a much more coordinated way.

Ambassador Battle, Tanzania has begun to transition away from the late former president's isolationist policies and COVID denialism and towards improved ties with the United States.

This moment is an opportunity. While the new president, Samira Hassan, has served as the country's first female president since last year, Tanzania still faces challenges in public health, governance, economic development, and this is a time where the United States can and should step up.

I look forward to hearing how you plan to work with the new government to encourage progress in all these areas.

And finally, Ms. Whitman, Kenya is sub-Saharan Africa's third largest economy. It is a regional hub for transportation and finance. It is a partner for counterterrorism. It is a top tourism designation.

You are going to be leading the largest embassy in Africa for the United States and playing host to U.S. forces that support operations throughout the region. Very few more important diplomatic posts in the world, I would argue.

I look forward to discussing how this administration and your embassy will ensure that our personnel and interests remain protected.

Again, we thank you for being here today. We are so deeply appreciative of your families for being willing to serve alongside you.

And with that, let me turn to the ranking member, Senator Rounds, for opening remarks.

STATEMENT OF HON. MIKE ROUNDS,
U.S. SENATOR FROM SOUTH DAKOTA

Senator ROUNDS. Thank you, Mr. Chairman.

Good afternoon to all of you. I would like to thank all of you for your service to our country and for your willingness to serve as Ambassadors to South Africa, Tanzania, and Kenya.

All three of these African countries offer incredible opportunity but also face imposing challenges. All three are critical to U.S. national interests on the continent. I look forward to hearing how you will lead our diplomatic missions to advance U.S. interests and priorities there.

Ambassador Brigety, South Africa is an important partner that the United States must do more to engage at the highest levels. Getting a confirmed Ambassador to Pretoria is critical.

Your prior experience serving as U.S. Ambassador to the Africa Union and as Deputy Assistant Secretary of State for Southern Africa will give you much to draw on as U.S. Ambassador to South Africa, if confirmed.

Your past military, diplomatic, and academic experience is impressive, and I look forward to hearing what your view as the most important items for you to focus on, if confirmed.

However, it will not surprise you that I am also interested in hearing you address your own publicly stated views on those who worked for former President Trump, who you called the first Nazi-in-Chief. I will give you an opportunity to explain your comments.

Ambassador Battle, in recent years U.S. relations with Tanzania have been complicated by democratic decline, largely, under President Magufuli and his allies, who are openly hostile toward U.S. business, U.S. implementing partners such as grant recipients, international efforts to stem DRC's Ebola outbreaks from spreading to other countries, and efforts to control the COVID–19 pandemic. While President Samia Hassan, who took over in March of 2021, has made some efforts to reform, these reforms are proving slow and difficult.

If confirmed, I am hopeful that you will draw on your previous experience as U.S. Ambassador to the African Union and U.N. Eco-

nomic Commission for Africa to work with your Tanzanian counterparts on the continued needed reforms, as well as to engage on critical issues like global health commitments and counterterrorism, particularly given the extremist threat on both sides of the Tanzania-Mozambique border.

Ms. Whitman, Kenya is one of the U.S.' most important African allies. The need for continued strong partnership has only been made clearer in recent months as the U.S. has been engaged in a number of crises in the east and the Horn of Africa alongside the Kenyans, including Sudan, Somalia, and Ethiopia.

A strong U.S. relationship with Kenya is vital to supporting improved trade and investment, pursuing U.S. national security interests, and responding to the complex humanitarian and developmental needs of the broader region.

There is no doubt we need a confirmed U.S. Ambassador to Kenya, and I am pleased to have the opportunity to engage with you today. If confirmed, you would bring a wealth of executive experience to our embassy in Nairobi. I look forward to hearing about your priorities.

Thank you all for being here today and I look forward to your comments. Thank you, Mr. Chair.

Senator MURPHY. Thank you very much, Senator Rounds.

We now turn to our nominees. We are asking you to make your statements as concise as possible in the neighborhood of three minutes, and we will enter your full statements into the record.

I think Senators Ossoff, Portman, and Romney did a sufficient job at introducing Ms. Whitman and Ambassador Battle. Let me just add to the introduction from Senator Rounds.

Ambassador Brigety, who will begin this panel, is our nominee to South Africa, served as U.S. Ambassador to the African Union, twice as Deputy Assistant Secretary of State. Most recently he has been the vice chancellor and president of the University of the South and dean of the Washington—George Washington University's Elliott School of International Affairs.

So having filled out the introductions of our panel, we are going to turn to you, Ambassador Brigety, then to Ambassador Battle and, finally, to Ms. Whitman.

STATEMENT OF HON. REUBEN E. BRIGETY II OF FLORIDA, NOMINATED TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH AFRICA

Ambassador BRIGETY. Thank you, Senator.

Mr. Chairman and Ranking Member, distinguished members of the committee, good afternoon. It is my great honor to appear before you as the nominee to be the next U.S. Ambassador to the Republic of South Africa.

I am joined here today by my wife, Dr. Leelie Selassie, our sons, Roebel and Redda, and many family and friends who are watching these proceedings online.

I am grateful for the confidence that President Biden and Secretary Blinken have placed in me to assume leadership of this important post. Further, I am deeply humbled to be nominated to lead the same embassy that was once led by my late mentors, Am-

bassador Edward Perkins, Ambassador Bill Swing, and Ambassador Princeton Lyman, all of whom were legendary diplomats who brilliantly represented the United States in Pretoria during consequential moments in South African history.

If confirmed, I will do my best to live up to the standards that they set for diplomatic excellence in building partnerships in South Africa while also advancing American interests.

Nelson Mandela, South Africa's first post-apartheid president, once said, "When you speak to a man in your language you speak to his head, but when you speak to a man and his language you speak to his heart."

The word Ubuntu is a South African concept that is translated as, quote, "I am because we are." It is a call for the recognition of the common bonds that unite us as human beings and the understanding that our well being is intimately entwined with each other.

If confirmed, I will be committed to practicing Ubuntu diplomacy in developing and strengthening this vital bilateral relationship.

The United States and South Africa are two of the world's great constitutional democracies. We are both international leaders on a range of topics of global importance.

The relationship between our two countries should be one of close coordination, enduring comity, and shared purpose. In practicing Ubuntu diplomacy, I will ensure that official U.S. engagement with the Government and people of South Africa is firmly rooted in the principles of common cause and mutual recognition.

Thank you for the opportunity to appear before you today and for your consideration of my candidacy. I look forward to your questions.

[The prepared statement of Ambassador Brigety follows:]

PREPARED STATEMENT OF HON. REUBEN E. BRIGETY, II

Chairman Menendez, Ranking Member Risch, distinguished members of the committee, good morning. It is my great honor to appear before you as the nominee to be the next U.S. Ambassador to the Republic of South Africa. I am joined here today by my wife Dr. Leelie Selassie, our sons Roebel and Redda, and many family and friends who are watching these proceedings online. I am grateful for the confidence that President Biden and Secretary Blinken have placed in me to assume leadership of this important post. Further, I am deeply humbled to be nominated to lead the same embassy that was once led by my late mentors Ambassador Edward Perkins, Ambassador William "Bill" Swing, and Ambassador Princeton Lyman, each of whom were legendary diplomats who brilliantly represented the United States in Pretoria during consequential moments in South African history. If confirmed, I will do my best to live up to the standards that they set for diplomatic excellence in building partnerships in South Africa while advancing American interests.

Nelson Mandela, South Africa's first post-apartheid President, once said: "When you speak to a man in your language, you speak to his head. When you speak to a man in his language, you speak to his heart." The word Ubuntu is a South African concept that is translated as "I am because we are." It is a call for the recognition of the common bonds that unite us as human beings and the understanding that our wellbeing is intimately entwined with each other. If confirmed, I will be committed to practicing Ubuntu Diplomacy in developing and strengthening this vital bilateral relationship.

The United States and South Africa are two of the world's great constitutional democracies. We are both international leaders on a range of topics of global importance—from addressing climate change and health security, to promoting peace and security as well as economic development. The relationship between our two countries should be one of close coordination, enduring comity and shared purpose. In practicing Ubuntu Diplomacy, I will ensure that official U.S. engagement with the

Government and people of South Africa is firmly rooted in the principles of common cause and mutual recognition. If I am confirmed as Ambassador I will assert America's position and interests clearly, skillfully, and consistently, with my engagement firmly rooted in dignity and respect.

South Africa is currently experiencing the most dramatic political, economic and social developments since the end of apartheid. These include shifting electoral politics, a reckoning over years of official corruption, and ongoing efforts to address inequalities in the economy.

Despite these profound challenges, the possibilities for South Africa's future are bright. The next few years will no doubt prove decisive for South Africa's prospects through the middle of the twenty-first century. Though South Africa's destiny is clearly for South Africans to choose, it is in the interests of the United States for South Africa to succeed. It is a G-20 nation with the most diversified economy on the continent and stands as the largest African trading partner of the United States. We have many common priorities, such as ensuring global food security. South African scientists have been at the forefront of addressing the COVID–19 pandemic, and President Cyril Ramaphosa has played an indispensable role as the African Union's Champion for COVID–19 Response. Should I be confirmed, my tenure as Ambassador will focus on advancing three central objectives.

First, we will deliver programs to improve the human condition and preserve the natural environment. I will work with the Government of South Africa to ensure that PEPFAR programs are implemented effectively; that our productive cooperation to bring an equitable end to the COVID–19 pandemic continues; and that climate change initiatives such as the Just Energy Transition come to fruition. As a fourth-generation educator, I am particularly interested in finding new ways to support education and skills training in the country.

Second, I will promote new American investment in South Africa, particularly those schemes that will generate job creation for South Africa's young people.

Finally, I will be a tireless advocate for democracy and democratic values. It is not appropriate for the United States to seek particular outcomes for South Africa's elections. Yet, in common cause with the people of South Africa, I will use the platform of the U.S. Embassy to call for the rule of law, transparency, accountable government and an end to corruption at every opportunity.

Thank you for the opportunity to appear before you today, and for your consideration of my candidacy. I look forward to taking your questions.

Senator MURPHY. Thank you.

Ambassador Battle?

STATEMENT OF HON. MICHAEL A. BATTLE, SR. OF GEORGIA, NOMINATED TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED REPUBLIC OF TANZANIA

Ambassador BATTLE. Mr. Chairman, Ranking Member, distinguished members of the committee——

Senator MURPHY. Is your microphone on there? There we go, and pull it close.

Ambassador BATTLE. I am honored to appear before you as nominee for Ambassador to the United Republic of Tanzania. I am deeply appreciative of the confidence President Biden and Secretary Blinken have placed in me.

My wife, Linda, and I look forward to returning to the African continent, especially Tanzania, if confirmed. Returning to diplomatic service is an honor for which I look forward to. As a retired Army reserve officer and diplomat, I know the joy of service to our great nation.

The United States has a long-standing commitment to Tanzania's development as a stable, reliable, democratic partner capable of growing its economy sufficiently to support its own people while also becoming a market for U.S. exports and investments.

Under President Hassan, Tanzania has started to reverse course from the democratic backsliding and isolationist policies of the pre-

vious administration. If confirmed, my goal will be to encourage the Tanzanian Government to put into action commitments to democratic freedom and respect for human rights.

If confirmed, my first priority will be to focus on people, both American and Tanzanian, ensuring the safety and security of embassy staff and Americans residing in and visiting Tanzania.

Additionally, I will work with the Tanzanian Government to further and strengthen systems to prevent and prosecute any instance of human trafficking. I am committed to leveraging our foreign assistance to strengthening governance and transparency in health and improving the overall health of Tanzania.

If confirmed, I will work toward expanding American business opportunities in Tanzania and improving the overall investment climate.

If confirmed, I look forward to working closely with you and with other members of this committee to ensure U.S. interests, policies, and assistance to Tanzania, promote democracy, security, and sustained economic growth.

And if confirmed, I will be the second person from my high school class to be U.S. Ambassador to Tanzania. I look forward to your questions.

[The prepared statement of Ambassador Battle follows:]

PREPARED STATEMENT OF HON. MICHAEL A. BATTLE, SR.

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 President Biden and Secretary Blinken have placed in me.

My wife, Linda Battle, and I look forward to returning to the African continent and specifically to Tanzania, if confirmed, where we have visited and enjoyed observing conservation efforts in the Serengeti.

Returning to diplomatic service is an honor which I look forward to, fully aware of the awesome privilege and responsibilities. I served as U.S. Ambassador to the African Union and U.S. representative to the U.N. Economic Commission for Africa and as senior advisor to the Africa Bureau for the first U.S. Africa Leaders' Summit. As a retired Army Reserve officer and diplomat, I know the joy of service to our great nation. In my non-government service, I have been an administrator in higher education in positions ranging from university chaplain and instructor in philosophy and religion to president of a major theological seminary.

The United States has a long-standing commitment to Tanzania's development as a stable, reliable, democratic partner, capable of growing its economy sufficiently to support its people, while also becoming a market for U.S. exports and investment. Tanzania is also an important stabilizing force in the region, and it contributes to peacekeeping in central Africa, Sudan, and South Sudan. With the threat of terrorism and conflict in northern Mozambique on Tanzania's southern border, maintaining a productive security relationship is now even more important.

Under President Samia Suluhu Hassan's leadership, Tanzania has started to reverse course from the democratic backsliding and isolationist tendencies of Tanzania's previous administration. Tanzania is on the right track, but it can and must do more. President Hassan's statements on reopening democratic spaces present a unique opportunity for the United States to support and encourage this positive momentum. If confirmed, my goal will be to strengthen our bilateral relationship, continue to encourage the Tanzanian Government to put into action President Hassan's commitments to democratic freedoms and respect for human rights, and bring Tanzania back into the international fold as a leader in the region.

If confirmed, my first priority will be to focus on the people: both American and Tanzanian. Ensuring the safety and security of embassy staff and Americans residing in and visiting Tanzania will be my top priority. For Tanzanians, the deterioration of democratic norms over the last few years has restricted personal liberties, including free association and peaceful assembly. I am committed to working with the host government, like-minded missions, civil society, and international organiza-

tions to support and encourage President Hassan to do more to reverse this trend. We will want to see legislative and regulatory changes to institutionalize legal protections to democratic institutions, civil society, and the media. Additionally, I will work with the Tanzanian Government to further strengthen systems to prevent and prosecute human trafficking.

Almost 80 percent of the assistance provided by the American taxpayer to Tanzania is directed to improving the health of the Tanzanian people. Currently, the United States' top health priority is to support the ongoing COVID–19 vaccination campaign, which Tanzania started thanks to the provision of vaccine doses in connection with the United States. U.S.-funded programs to reduce the burden of HIV, malaria, and tuberculosis are bearing fruit in Tanzania. If confirmed, I am committed to leveraging our foreign assistance to strengthen governance and transparency in the health sector and improve health outcomes, including training in the prevention, detection, and response to deadly viruses that are endemic to the region, such as Ebola.

While a challenging business environment has impeded U.S. business investment in recent years, if confirmed, I will work towards expanding American business opportunities in Tanzania and improving the overall investment climate.

Tanzania is one of the most biodiverse countries in the world and the Government of Tanzania has been lauded for its conservation efforts. However, Tanzania's population growth, high poverty rate, and the effects of climate change create pressure on its natural resources and contribute to tensions between conservation efforts and local populations. If confirmed, I will promote programs to strengthen Tanzania's ability to mitigate and adapt to the effects of climate change and encourage the country to continue to protect and sustainably utilize its natural resources.

If confirmed as the U.S. Ambassador to Tanzania, I look forward to working closely with you and other Members of Congress to ensure that U.S. interests, policies, and assistance to Tanzania promote democracy, security, and sustained economic growth. Thank you again, Mr. Chairman, and I would be pleased to answer any questions.

Senator MURPHY. Thank you very much.

Ms. Whitman?

STATEMENT OF MARGARET C. WHITMAN OF COLORADO, NOMINATED TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KENYA

Ms. WHITMAN. Yes. Thank you.

Senator Risch and Senator Murphy, Senator Rounds, and distinguished members of the committee, thank you—there we go. Sorry.

Distinguished members of the committee, thank you for the opportunity to speak with you and to answer your questions on my nomination to be the U.S. Ambassador to the Republic of Kenya. I also thank President Biden and Secretary of State Blinken for the opportunity to serve our country.

First, let me introduce my husband of 42 years, Dr. Griff Harsh, who is here with me today. Griff is an academic neurosurgeon and he is eager to accompany me to Kenya, should I be confirmed. Griff and I are the parents of two adult sons and two toddler grandchildren.

During my 40-year business career, I have been president and CEO of three multinational Fortune 100 companies: eBay, HP, and Hewlett-Packard Enterprise. I have been trustee of the Nature Conservancy, one of the largest conservation organizations in the world, and I currently serve as chairman of Teach for America, which works to improve K through 12 education in underserved communities.

My career has honed my leadership and communication skills. I have worked with heads of state, senior business leaders, and government regulators. I am well versed in strategy formulation, nego-

tiation, small business development, global trade, and, of course, technology. I am adept at leading large organizations by fostering shared values, purpose, and commitment to excellence.

I have conducted business in numerous African countries, and in 2018 I visited Kenya with the Nature Conservancy. I am excited about the possibility of serving as our Ambassador to Kenya, a country of strategic importance to the United States.

Should I be confirmed, I will continue the current U.S. focus on supporting democracy and democratic institutions, particularly in advance of the elections in August.

We want and need Kenya to remain a strong, reliable, and capable partner of the United States in addressing common challenges in east Africa and beyond.

A stable democratic society and economic prosperity are mutually reinforcing. Kenya has a diverse and dynamic economy with strong potential for future growth. It faces many challenges, but the United States can be helpful by promoting legislative and judicial reform, anti-corruption measures, and collaboration among Kenyan and American businesses.

Kenya is well positioned to be an Africa leader in information, communication, and technology and mobile banking. Working with Kenya to help build the country's silicon savannah will be a big part of my mission and an opportunity that I hope numerous U.S. companies will embrace.

The United States is also the largest financial contributor to Kenya's health care system. If confirmed, I intend to work closely with the Kenyan Government, public and private health institutions to ensure the efficiency of U.S. assistance in responding to the COVID epidemic and other infectious diseases.

Kenya is also a significant contributor to regional peace and security, especially through its contribution of troops to the African Union Transition Mission in Somalia. If confirmed, I will work closely with Kenya to address instability and combat terrorism in the Horn of Africa.

Our bilateral defense cooperation with Kenya, a partnership of over 60 years, is strong and I look forward to supporting the Kenyan Government on defense matters and advancing America's interest in the region.

Thank you for considering my nomination. I look forward to working constructively and respectfully with our partners in Kenya and east Africa to achieve our shared goals. Serving the United States in this role will be a great privilege.

Thank you.

[The prepared statement of Ms. Whitman follows:]

PREPARED STATEMENT OF MARGARET C. WHITMAN

Mr. Chairman, Ranking Member Risch, and distinguished members of the committee, thank you for the opportunity to speak with you and to answer your questions on my nomination to be the U.S. Ambassador to the Republic of Kenya.

I also thank President Biden and Secretary of State Blinken for the opportunity to serve our country.

First, let me introduce my husband of 42 years, Dr. Griff Harsh, who is here with me today. Griff is currently the chairman of the Department of Neurosurgery at University of California Davis Medical Center. He is eager to accompany me to Kenya should I be confirmed. Griff and I are the parents of two adult sons and grandparents to two toddlers.

By way of background, I graduated from Princeton University in 1977 with a bachelor's in economics and as a member of the fourth class to accept women. I then earned an MBA from Harvard Business School in 1979.

During my 40-year business career, I have been president and CEO of three multinational Fortune 100 companies—eBay, HP, and Hewlett Packard Enterprise. I have been a trustee of The Nature Conservancy, one of the largest land and water conservation organizations in the world. I currently serve as national chair of Teach for America, which works to improve K-12 education in underserved communities.

My career has honed my leadership and communication skills. I have worked with heads of state, senior business leaders, and government regulators to build coalitions for innovative programs. I am well versed in strategy formulation, negotiation, intellectual property protection, small business development, global trade, and technology. I am adept at leading large organizations by fostering shared values, purpose, and commitment to excellence.

I have conducted business in numerous African countries. In 2018, I visited Kenya with The Nature Conservancy to review the organization's work to help local communities secure their land and water rights, and thus encourage environmentally and economically sustainable water and land management practices.

I am very excited about the possibility of serving in Africa as our Ambassador to Kenya, a country of strategic importance to the United States. With a population of over 50 million, Kenya is the third largest economy in sub-Saharan Africa. Mission Nairobi is the largest U.S. embassy in sub-Saharan Africa and the 13th largest mission in the world. Its staff of 1,700 represents 34 U.S. Government agencies.

Should I be confirmed, I will continue the current U.S. focus on supporting democracy and democratic institutions in a vibrant Kenyan society, particularly in advance of the elections in August. We want Kenya to remain a strong, reliable, and capable partner of the United States in addressing common challenges in East Africa and beyond.

I will work to promote sound governance, economic prosperity, public health, regional peace and security, and cooperation in defense.

In the Kenyan elections this upcoming August, we must encourage Kenyan leaders from across the political spectrum to support credible, peaceful electoral processes that showcase the strength of Kenya's democracy.

A stable democratic society and economic prosperity are mutually reinforcing. Kenya has a diverse and dynamic economy with strong potential for future growth. It faces many challenges, but the United States can be helpful by promoting legislative and judicial reform, anti-corruption measures, and collaboration among Kenyan and American businesses.

Kenya is well-positioned to be an African leader in information technology, telecommunications, and mobile banking and is open to partnering with the United States. Working with Kenya to assemble the infrastructure, connectivity, and expertise needed to help build the country's "Silicon Savannah" will be a big part of my mission, and an opportunity I hope numerous U.S. companies will eagerly embrace.

The United States is the largest financial contributor to Kenya's health care system. If confirmed, I intend to work closely with the Kenyan Government and public and private health institutions to ensure the efficacy of U.S. assistance in responding to the COVID epidemic and other infectious diseases and improve overall health outcomes.

Kenya is also a significant contributor to regional peace and security, especially through its contribution of troops to the African Union Transition Mission in Somalia. If confirmed, I will work closely with Kenya to address instability and combat terrorism in the Horn of Africa.

Our bilateral defense cooperation with Kenya, a partnership of over 60 years, is strong. But we must be strategic and nimble in helping Kenya confront threats to its security. I look forward to supporting the Kenyan Government on defense matters and advancing America's interests in the region.

Thank you for considering my nomination. If confirmed, I will apply all my energy and leadership skills to the role of Ambassador. I look forward to working constructively and respectfully with our partners in Kenya and East Africa to achieve our shared goals. Serving the United States in this role would be a great privilege.

Senator MURPHY. Thank you to all of our nominees.

Just for your awareness and guests' awareness, we are in the middle of votes in the Senate floor. We are going to keep this hearing open but it is going to mean that members will be in and out.

I will ask one question of each of the three of you and then move on because we have got many colleagues here who are interested in your service.

Ambassador Brigety, let me ask you about the decision by South Africa to abstain from the votes on Russia's brutal invasion of Ukraine. This was disappointing, to say the least, in part because South Africa has been this shining example of how countries can preserve and return to constitutional democracy.

What forms of leverage should the United States be using towards trying to bring out greater cooperation from South Africa denouncing the Russian invasion of Ukraine and will this be a priority for you if you are confirmed?

Ambassador BRIGETY. Yes, Senator. Thank you very much for the question.

I agree with you the South African vote to abstain from the U.N. General Assembly resolution about Russia's invasion of Ukraine was quite disappointing.

It was one of the most popular General Assembly resolutions ever voted on at the United Nations. It is unfortunate that the Republic of South Africa officially chose to abstain from this vote.

I would say the following since then. First, there was great debate inside South Africa once that vote was taken. Many people in South African civil society believed strongly that their government should be more on record towards supporting the people of Ukraine.

Secondly, this is an issue that has been raised at the highest levels of our respective governments. President Ramaphosa and President Biden have spoken about it, as have Secretary Blinken and Foreign Minister Pandor.

We have a clear understanding—clearer understanding of where the South Africans were coming from with regard to that vote, and should I be confirmed I will continue to engage the Government of South Africa, recognizing their long-standing tradition of mediation but also making the case that, quite frankly, the people of Ukraine want the same thing that the people of South Africa wanted during their own fight for apartheid—their own fight for freedom, and making that common case, hopefully, will help to continue to encourage the Government of South Africa to be supportive of the people of Ukraine in this existential fight. Thank you, Senator.

Senator MURPHY. Ambassador Battle, you referenced this in your opening comments but we, obviously, have an opening right now. The new president has reversed some of the really damaging backsliding away from democratic norms, opening up new licenses for media outlets, getting rid of some of these bogus terrorist charges.

I know you are not there yet but you have been a watcher of the country for a long time. What is your assessment of the pace and sincerity of these reforms and what is the ways in which the United States can be impactful to make sure they continue along that path?

Ambassador BATTLE. Thank you, Senator, for your question.

I have no hesitancy whatsoever with celebrating the sincerity. The pace, however, is something that is troubling, and I understand part of the complication that President Hassan has is that she had served as vice president under President Magufuli, and

there were some tensions in that relationship that had to be overcome.

Fortunately, I have good relationships with people in Tanzania, in particular, the foreign minister, who is very much receptive to trying to accelerate the process of moving closer to being an inclusive democratic society in Tanzania.

I will work closely not only with the president and the foreign minister and others in Tanzania, I will work with civil society and with the nongovernmental organizations to make sure that Tanzania codifies its commitment.

It is one thing to verbalize a commitment to democratic principles. It is another thing to exemplify that by codifying it in legislation. I will work to strongly encourage the codification of the efforts toward democratic principles, freedom of speech, openness, and engagement.

Senator MURPHY. Thank you.

Finally, Ms. Whitman, there is a yin and a yang to our counterterrorism partnership in Africa, frankly, all over the world. Obviously, we do a lot of good through those partnerships. We go after, find, and destroy a lot of folks that are out to seek, find, and destroy us.

But often the funding we supply to these national police forces and militaries ends up being used in abuse and there have been a variety of criticisms inside Kenya that the security forces there have engaged in abusive practices and there are calls on the United States and partner governments for greater transparency in our assistance.

Any comments on this subject from you would be welcome, but at the very least I just wanted to get your commitment to this committee that you are going to consult with civil society groups, human rights organizations, to ensure that our counterterrorism efforts in Kenya are consistent with U.S. and international human rights law.

Ms. WHITMAN. Yes. Thank you for that question.

We should all be concerned about the law enforcement abuses that have been reported by the Government—by the United States to the Government of Kenya, and I can confirm that if I am confirmed for this job I will very much take this seriously and make sure that the Leahy Law is uniquely followed and that we can make sure that our funds are not being used for law enforcement abuses or, frankly, any other human rights violations.

Senator MURPHY. Great. Thank you all for your willingness to serve.

Senator Rounds?

Senator ROUNDS. Thank you, Mr. Chairman. Let me begin.

Ambassador Brigety, in an August of 2017 opinion article for Foreign Policy magazine in the wake of Charlottesville you said that former President Trump was, and I quote, "America's first Nazi-in-Chief," end of quote. You further stated that everyone who worked for President Trump had three choices: condemn him, resign, or continue to serve Trump and explain to their children why they did so.

A couple of years later you apologized for using this very harsh language. Setting President Trump aside, what is your view on

those who worked for President Trump that neither condemned him nor resigned? You may very well have some of these people working for you in South Africa.

Ambassador BRIGETY. Senator, thank you very much for the question. Let me begin by reiterating what I said several years ago and that is to apologize.

I should not have used that language towards former President Trump. It was beneath the dignity of the office and beneath my own long-established standards for dignity and decency.

Having said that, I appreciate the opportunity to address the piece. There are many things about President Trump's presidency, as with every other presidency, about which reasonable people can reasonably disagree.

In my judgment, President Trump's remarks about Charlottesville is not amongst them. President Trump said that there were, quote, "very fine people on both sides." One of those sides was comprised by neo-Nazis and white supremacists who planned, organized, and executed a violent and, indeed, murderous riot through the campus that Thomas Jefferson built.

Senator, when I named those people in that piece, sometimes it is hard to fully understand or appreciate the moral significance of a historical moment when you are in it.

Every person that I named in that piece were people—Republicans—with whom I personally worked, whom I personally admired, whom I personally had an opportunity to speak with, or who had been on record repeatedly in terms of condemning racism and racial hatred in our country.

And so the purpose of that piece was to call them to the significance of that moral moment and to ask them to please, please, speak out against this, against these violent neo-Nazis that were chanting "Jews will not replace us. You will not replace us."

Senator, I believe that people of goodwill, regardless of their political affiliation, can all rise to condemn violent racism in our country.

Indeed, we all must do so because the danger of not doing so is that this violent hatred will metastasize, as we saw just last week when a gunman, 18 years old, motivated by his own writings, by replacement theory, the same theory that was literally being stated by the people who marched through Charlottesville, drove 300 miles to a Black grocery store in Buffalo, New York, and mowed down 10 people just because they were Black—grandmothers, pensioners, brave former police officers—and we must all speak out against this and there can be no equivocation about it, particularly from the highest office in the land.

That said, I apologize for the nature of my harsh language and I regret doing so.

Senator ROUNDS. But my question really is—and I appreciate your comments, but my question is the people that you will be working with, how do you approach them?

Ambassador BRIGETY. Senator, I have a long record of working across the aisle with members of Republican administrations. I have worked myself in a Republican administration during President George Bush's administration.

As I said, I have no issue with people who voted for President Trump, who supported the breadth of his policies.

Senator ROUNDS. Thank you. That was my question, sir. Thank you.

Ambassador BRIGETY. Thank you.

Senator ROUNDS. Let me ask one more question and in this one I am going to go to Ambassador Battle.

Can you describe the situation in southern Tanzania and whether the Government is collaborating with Mozambique to counter violent extremists in the border area? And also, what can the United States do to support Tanzania's battle against extremist groups in the region?

Ambassador BATTLE. It is very clear that many of the persons in northern Mozambique who are participating in the activity, which is terroristic in nature, are persons who have migrated from Tanzania.

One of the things that I will strive to do is, A, to get the Government to acknowledge the problem. For a long period of time, Tanzania has not acknowledged that the problem is not only Mozambican but the problem is Tanzanian, and I will try to get Tanzania to use its role as the seat of the EAC to work collaboratively with SADC countries because Tanzania is both a part of SADC and the EAC—to try and get the SADC side with Mozambique and Tanzania with membership in both of those regional organizations to collaborate with the U.S. and with other partners who are determined to root out terrorism wherever it is found and to do so very, very strongly.

I had the opportunity to work very closely with the first two commanders of AFRICOM and advise both of them, and I worked for a short period of time with the third commander of AFRICOM, that there is a critically important role that we can play in strengthening African militaries to stand up against terrorism and to do so boldly.

But first, the Government has to acknowledge that the problem exists and that is what I will do diplomatically on the political side to get the Government to acknowledge that the problem exists and to let us assist in the process of resolution of the problem.

Senator ROUNDS [presiding]. Thank you, Mr. Ambassador. My time has expired.

On behalf of the Chairman, Senator Kaine?

Senator KAINE. Thank you, Senator Rounds, and congratulations to all the nominees. I think you are all very qualified for your positions and intend to support you.

Ms. Whitman, I am really worried about hunger in Africa, including Kenya. Twenty million people across the Horn of Africa could go hungry this year as the region confronts the worst drought in 40 years, soaring food prices driven by the conflict in Ukraine, the ongoing COVID–19 pandemic.

Russia and Ukraine supply about 90 percent of the wheat in east Africa and that price of that staple has gone up by 20 percent already. Prices for cooking oil, much of which is provided by either Russia or Ukraine, have also doubled.

Here is what troubles me, in addition to those facts. A recent report by the humanitarian NGOs Oxfam, and Save the Children

says that the U.S. collected $93 million—$93 million with an M—to help with hunger crisis in east Africa, compared to $16 billion raised by the international community in one month after Russia launched a war against Ukraine.

I am all for the $16 billion and more, but I am worried that the generosity of the world has not yet appropriately focused on the issues in Africa. With World Hunger Day this Saturday, and in kind of an eerie way this is also the celebration of the centennial of the Holodomor, the forced famine that Joseph Stalin perpetrated on Ukrainians during 1932 and 1933.

I am introducing a resolution with colleagues to commemorate World Hunger Day and also remind people that famines are not just naturally occurring phenomenon. They can also be politically motivated weapons of genocide.

What might we do? Should you be confirmed, what would you commit to doing to try to help focus attention and, hopefully, generate support in this country, this body, for more resources to combat hunger and famine in Kenya and in the Horn of Africa?

Ms. WHITMAN. Thank you very much for that question, Senator Kaine. It is a big concern to me, and even between the time I was nominated in December and today, the situation has become far worse. Kenya, in particular, is in its fourth big drought.

In January, there were 2.5 million people starving in Africa. Today, there is 3.5 million. And as you correctly point out, the cost of imported wheat, grain, crop production, is down by 70 percent and 25 percent of children in Kenya are stunted by lack of nutrition.

So this has risen in my priority list of things that I would like to accomplish if I am confirmed to be Ambassador. The U.S. aid over time has cushioned this terrible humanitarian crisis but it is not enough. We have given $34 million since July of 2021, and I think what we need to do is rally the world around this impending crisis.

And so, if confirmed, I will deeply understand what we have done in Kenya, what other countries have done, what NGOs in Kenya have done, and try to see what is actually required to alleviate this concern not only in Kenya but in the Horn of Africa, and then decide what is the best course ahead to try to alleviate this humanitarian disaster.

Senator KAINE. Ms. Whitman, thank you very much for that answer. I want to ask Ambassador Brigety a question about South Africa.

This week, the German chancellor, Olaf Scholz, started a three-nation visit to Africa, including South Africa, focusing on gas exploration projects and the wider geopolitical ability of African nations possibly to help Europe wean itself away from over dependence on Russian energy.

Can you give us just a snapshot assessment of South Africa's ability or willingness to, potentially, help meet European energy needs?

Ambassador BRIGETY. Thanks, Senator. I, certainly, would not want to speak for the Government of South Africa but I suspect that South Africa has its own profound energy challenges, as we know. It is the largest greenhouse emitter on the continent, prin-

cipally based on coal. They are themselves trying very hard to move away from a coal-based electrical grid.

They have fantastic potential in the generation of clean energy, principally, hydro and wind energy. But their—in my judgment, their ability to help Europe move—convert from other sources of gas is likely limited.

Senator KAINE. Thank you for that. And my time is going to expire and I do not want to belabor, but I will just say to you, Ambassador Battle, that your service at Hampton and Virginia State has not gone unnoticed by this senator. So thank you and congratulations on your appointment.

I yield back.

Senator ROUNDS. Thank you. On behalf of the Chairman, Senator Coons?

Senator COONS. Thank you very much, Senator Rounds and Acting Chairman Murphy.

Welcome. It is a blessing and a joy to have all three of you in front of this committee and willing to serve as Ambassadors. You bring a great deal of skill, strength, significance, experience to this task. And so thank you to your families for your willingness to continue your service in new contexts.

I will try and ask just three questions that, frankly, I think, are relevant across both the three countries to which I hope and pray you will soon be confirmed to serve as Ambassador but also where there is larger regional issues.

Ambassador Brigety, great to see you again. I have greatly enjoyed knowing you over a number of years. When I first got to see you in your role as Ambassador to the African Union, I was so impressed with your service and your abilities, and as Senator Kaine just said, your service as president at Sewanee is also one well regarded by many of us here.

Democracy is an issue—is a challenge in all three of the countries that you will, hopefully, be serving and representing the United States. In South Africa, in particular, as you said eloquently in your opening, it is a country that we have a lot to learn from and where there is a lot of similarities and differences, but it is also a regional powerhouse in some ways and there are real issues in Lesotho, in Zimbabwe and Mozambique.

How will you encourage a stronger and deeper relationship between the United States and South Africa and encourage the South Africans to continue to play a significant regional role not just in security, which is also a very legitimate concern, but in development and democracy?

Ambassador BRIGETY. Thank you very much, Senator, for the question.

South Africa is, indeed, a regional leader, indeed, a continental leader, on a wide variety of issues. It is my view that the nature of our relationship simply needs to be much closer.

There are important historical reasons why it has been fraught over time, not the least of which is long memories amongst the leadership of the Government of South Africa and the African National Congress, in particular, about U.S. policy towards apartheid in South Africa.

But the future is forward and we must continue to work to build this relationship. I am very pleased that there have been a series of senior level engagements just within the last four months of our government, both visits and phone calls, and that is a pace that needs to continue over time.

With regard to continuing to encourage the Government of South Africa to be engaged in regional issues beyond security but also, frankly, on matters of democracy and human rights and economic security, I will absolutely use the platform of the U.S. Embassy at every opportunity to continue to engage the Government of South Africa and the people of South Africa to be forward leading and supportive of issues that are in our mutual interest.

Senator COONS. Thank you.

Ambassador Battle, we have a significant moment—a transition. The presidency of President Magufuli was a moment of great tension and increased distance with the United States. We now have an opening and an opportunity.

How will you best help strengthen and sustain a positive-looking bilateral relationship between the United States and the Republic of Tanzania?

Ambassador BATTLE. Fortunately, both for Tanzania and for the U.S. there is a great desire for a cooperative relationship when we look at the fact that the president just a few months ago had a visit here to the U.S. and spent significant time with our vice president and the fact that there are so many high-level people in the U.S. Government interested in working with Tanzania.

The foreign minister of Tanzania was the previous Tanzanian Ambassador to the U.S. and she has had for a very long time a deep-seated desire to see a closer relationship with the U.S., to return to the days when Tanzania and the U.S. worked collaboratively on a number of issues.

I will accentuate those positive desires from both sides.

Senator COONS. Good.

[Speaks foreign language.]

Senator COONS. Good luck with President Hassan.

[Speaks foreign language.]

Senator COONS. Great to see you, Ms. Whitman. I am hopeful that we can get you confirmed swiftly, given the significance of the elections in August. Kenya is, as you referenced in your opening remarks, both a vibrant hub of technology and innovation but also a very important partner and ally in the region, a security partner.

I am pleased President Biden has renewed our active partnership with regards to terrorism in Somalia. How would you as Ambassador help the United States maintain a neutral posture with regards to the election and the likely heated contest but also provide an engaged and persistent voice in support of a peaceful transfer of power and a free and fair election?

Ms. WHITMAN. Thank you for the question, Senator Coons, and you are right.

As you know, Kenya has had a history of violent elections that not all of which have been accepted by the citizens of Kenya as to their result, and there is a very important election coming up on August 9th with two very capable competitors that have very sig-

nificant differences in policy and, obviously, are tapping into various loyalties in the country.

What I know that the embassy has done under the charge d'affaires Eric Kneedler has also—has engaged with both those candidates to underscore the importance not only to the United States but, frankly, to the region because everyone in Africa is watching these elections because Kenya is an island of democracy in a pretty tough neighborhood and so that has been underscored.

As I understand it, the embassy and the U.S. Government have also been working with NGOs, with civil society, with the IEBC, who monitors the elections, to make sure that these are free, fair, and well accepted elections.

Ultimately, it is up to the Kenyans to deliver these elections in a free and fair way, in a way that that is accepted by the people. I think we are on our—they are on their way to doing that.

A number of staff just came back from Kenya and there are reports that things are proceeding, perhaps, better than we had thought. But there is a bit of a ways between now and August 9th and I think we need to do everything we can to support those elections because everyone is watching.

Senator COONS. That is encouraging. Thank you. In all three countries and many other countries, it is urgent that we have an Ambassador. So I look forward to your confirmations.

Thank you, Mr. Chairman.

Senator MURPHY [presiding]. Senator Shaheen?

Senator SHAHEEN. Thank you, Mr. Chairman, and congratulations to each of you on your nominations, and thank you for your willingness to continue to serve the country.

I want to ask a question to each of you that requires a yes or no answer. The administration has rightly prioritized protecting, improving, and expanding access to sexual and reproductive health care as one of 10 key priorities in the National Strategy on Gender Equity and Equality and, as we know, across Africa the unmet need for family planning is significant.

Women and families struggle to have access to information, and I would like to ask each of you, if confirmed, do you commit to working with USAID, with our missions in each of your countries, to ensure that those programs are administered as they have been laid out in statute?

Ms. Whitman?

Ms. WHITMAN. Yes.

Senator SHAHEEN. Ambassador Battle?

Ambassador BATTLE. Yes.

Senator SHAHEEN. Ambassador Brigety?

Ambassador BRIGETY. Yes.

Senator SHAHEEN. Thank you very much. We look forward to hearing updates on how those programs are going.

Ms. Whitman, I would like to begin. You talked about the potential for the elections in Kenya to have an impact on how the country operates.

One of those areas that may offer some potential is for security cooperation, and as we see the expansion of Al-Shabaab throughout Kenya and the region it is, obviously, a huge challenge and a place where, hopefully, we can better engage.

Can you talk a little bit about how we might look at the election as an opportunity to better cooperate on security?

Ms. WHITMAN. I think a well run election by the Kenyans that are perceived to be free and fair and accepted by the populace actually improves Kenya's standing in the region, and Kenya has been a leader in the region in terms of negotiating in Somalia as well as Ethiopia.

Terrorism is a big, big challenge here. As you well know, Al-Shabaab is the largest and best financed al-Qaeda affiliate in the world and they have said very explicitly they are after Americans in Kenya, in the Horn of Africa, as well as right here.

And so our ability to help Kenya on the heels of a successful election, I think, improves quite dramatically and I do think the—our long-standing cooperation with the Kenyan Defense Force and what used to be called AMISOM is something that we must continue.

The Kenyans view this as an existential threat to their prosperity, their democracy, and their ability to move forward as a country, and I think the United States agrees with that and we need to do everything we can to be of assistance.

Senator SHAHEEN. Thank you very much. I appreciate that.

Ambassador Battle, as a number of people have referenced in the questioning, Tanzania now has its first woman president and the rights of women and girls, however, continue to remain in jeopardy. Gender-based discrimination and violence, child marriage, lack of access to family planning, as we just discussed, are a few of the concerns.

So can you talk about the opportunities that we have to better encourage the new president and the people of Tanzania to recognize how important it is to empower women and girls in the country?

Ambassador BATTLE. It is also interesting to note that Tanzania has a woman defense minister, a woman foreign minister, and a number of other women throughout the Government.

I think, looking at Tanzania and looking at the U.S. as an example for what happens when women and girls are empowered and looking at the statistics of nations all over the world where women and girls are empowered with education, free access to monetary support and ownership, the nation itself thrives.

My goal would try to get Tanzania to see that it is in her vested and best interests to make sure that women and girls have equal opportunity and access to all of the benefits and beauty that Tanzania offers.

Senator SHAHEEN. Thank you very much. The other thing we know is that countries that empower women tend to be more stable and have a better opportunity to succeed as democracies.

Ambassador BATTLE. Absolutely.

Senator SHAHEEN. Ambassador Brigety, one of the things that we have talked about in the Armed Services Committee on which I also serve is the growing influence of China throughout Africa. That has come up in this committee as well.

But the—I did not bring it with me but our Department of Defense has done a map that shows the—where the Chinese influence is in Africa and it is really dramatic when you see it on the map.

Can you talk about opportunities that you think you can encourage as Ambassador to address concerns around Chinese influence and how we can better compete in South Africa?

Ambassador BRIGETY. Thank you, Senator. We could spend an entire hearing on that issue alone. Briefly, since there are 24 seconds left on the clock, let me just say a couple of things.

First of all, there is—The Economist just published a new special report on China and Africa just yesterday or the day before. It is highly informative and I commend it widely.

Secondly, with regard to China and Africa as it particularly relates to our concerns, we have to show up consistently. We have to have Ambassadors in the field that can continue to engage at very high levels. We have to continue to engage our private sector—encourage our private sector to engage and be present.

I believe that, quite frankly, all of the fundamentals for our engagement in Africa favor the United States versus China—our long-standing relationships with the continent, the power of our popular culture, the nature of African diasporas here in the United States.

The Chinese have understood that Africa is not simply a place for charity or security. It is a place for business, and private sector engagement will drive the future of that continent and will have geopolitical implications.

And so the key to our changing the narrative for the United States is to dramatically increase the ways in which American private sector engage in the continent. I would be happy to appear at another hearing, if confirmed, to engage on that issue.

Senator SHAHEEN. Thank you very much. I really appreciate that answer.

And, Mr. Chairman and Senator Rounds, as the Chair and ranking member, I hope—I also appreciate Ambassador Brigety's raising the importance of having our Ambassadors on the ground in countries.

I know it is something you both support, and I am sorry that the rest of this committee is not here to hear that response because we have got to see that our Ambassadors get confirmed and that they are on the ground to address these urgent challenges.

Thank you all very much.

Senator MURPHY. Thank you all for your testimony today. Well said, Senator Shaheen.

We are hopeful that we will be able to move you to swift confirmation because it is important to have you there on the ground at this critical moment in all three countries.

For any members that wish to submit questions for the record to this panel, it will be open—the record will be opened until the close of business tomorrow.

And with that, we will close out this panel and ask staff to help facilitate the second panel joining us.

Thank you all for your testimony and appearance today.

Ms. WHITMAN. Thank you very much.

[Pause.]

Senator MURPHY. All right. Welcome back, everyone, to game two of our nominations doubleheader today. We are pleased to welcome the second panel of nominees to the committee.

The committee is now going to consider three additional nominations, all of whom are career members of the Senior Foreign Service: Mr. John Godfrey to be Ambassador to Sudan, Mr. Michael Adler to be Ambassador to South Sudan, and Mr. Michael Gonzales to be Ambassador to Zambia.

I want to welcome our nominees here, and if you have family members or friends, to welcome them as well. We thank you all for your continued willingness to serve the United States of America.

Each of you are going to be entering these posts at a really extraordinary time in our bilateral relationships with each country.

Mr. Godfrey, I will start with you. If you are confirmed to be the first U.S. Ambassador to Sudan since 1997, you will arrive in Khartoum just months after a military coup seized power from a civilian transitional government.

Restoring our diplomatic presence in Sudan presents an opportunity for America to be a force for good, to push for a restoration of civilian-led government that the Sudanese people have demanded and still demand to this day.

As the country's political crisis exacerbates the humanitarian crisis we will also need to work to lead the international community's efforts to raise funds that are needed to meet this moment to help almost one-third of all citizens there who depend on humanitarian aid to get the support they need to survive.

Mr. Adler, the United States supported South Sudan's independence from Sudan in 2011, following almost four decades of conflict. Sadly, a horrific civil war consumed the country since 2013, resulting in Africa's largest refugee crisis and widespread atrocities.

If confirmed, you will have the important task ahead of you to ensure that the peace accord signed in 2018 is fully implemented to restore stability in the country, and just like its neighbor to the north, South Sudan's humanitarian crisis requires us to similarly rise to the occasion and lead a global humanitarian response that staves off hunger for nearly 8 million people at risk today.

And, Mr. Gonzales, Zambia is a country in transition. The election and peaceful accession of President Hakainde Hichilema represents a notable bright spot in Africa. It is an opportunity we cannot miss when there are so few and far opportunities on the continent.

The new president has pledged to promote good governance and economic growth, foster fiscal and debt sustainability and combat poverty, all ambitious and important goals, and I look forward to hearing more about how you think the United States can best support this progress to keep Zambia on a democratic path.

We have votes again or we have one more vote. So you will see members in and out. But with that, let me turn to the ranking member, Senator Rounds, for his remarks.

Senator ROUNDS. Thank you, Mr. Chairman. Good afternoon to all of you.

Much of your professional lives and those of your families have been spent far away from home. You and your families have made great sacrifices in the service to your country—constant moves and separations, new schools, missed birthdays, weddings, and funerals, often danger. Every career diplomat wonders whether some-

day, after years of service, they might be nominated by the President of the United States to serve as an Ambassador somewhere.

Congratulations are in order today. None of you have to ask yourselves that question any longer.

Mr. Gonzales, in August of 2021, Zambia had a landmark election that has been hailed as a victory for democracy in a region where democracy faces significant challenges. But as we all know, the development of strong and stable democracies goes beyond elections.

The United States played an important role alongside important regional and international actors to support Zambia during the electoral period and we must continue to support the development of strong democratic institutions in Zambia in the months and years ahead.

Zambia has gone without a confirmed U.S. Ambassador since 2020. I am glad that we were able to hear from a nominee today with extensive background living and working in Africa, specifically in Southern Africa.

Mr. Godfrey, the revolution that started in Sudan in December of 2018 and which led to the 2019 ouster of dictator Omar Al-Bashir and the installation of a transitional government led by civilian Prime Minister Hamdok ushered in a new era of U.S. policy towards Sudan.

In December of 2019, Secretary of State Pompeo announced that the United States would exchange Ambassadors with Sudan for the first time in 23 years. The Senate Foreign Relations Committee was vocal in calling for the quick nomination of an experienced U.S. Ambassador to Sudan.

Over two years later, I am pleased that we finally have a nominee. Unfortunately, the events of October 25th and Sudan's continued leadership by Generals Burhan and Hemeti has led to violence and an economic crisis for Sudan while severely threatening the positive if fragile momentum previously achieved.

While this will be your first Ambassadorial post and your first posting in the region, I am glad that you have prior experience working on Sudan issues. Your coverage of Darfur issues and your long-running work on global counterterrorism issues will serve you well, if confirmed.

Mr. Adler, the United States was a critical player in the efforts to end the decades-long civil war between the Sudanese Government in Khartoum and Southern Sudan, and in processes that led to South Sudan's independence in 2011.

Since then, South Sudan has suffered significant setbacks, namely, its own civil war and humanitarian crisis stemming from conflict, natural disasters, and lack of development. The United States contributes over $1 billion per year in support to South Sudan, primarily through humanitarian aid and support to the U.N. peacekeeping missions.

I have been particularly concerned about the efforts by South Sudan's leaders to advocate for the end of the U.N. arms embargo on South Sudan, which is why I sponsored S. Res. 473 expressing the sense of the Senate on the necessity of maintaining the U.N. arms embargo on South Sudan until conditions for peace, stability, de-

mocracy, and development exist. The resolution passed the Senate unanimously earlier this month.

Given the U.S. has a long history with the country and the myriad complex challenges to peace, security, democracy, and the development that the country faces, our embassy will need an experienced hand after two years of the post being vacant.

If confirmed, you bring a wealth of experience to the position. You will have your work cut out for you.

Thank you all for being here today. Thank you for your service to our country. I look forward to your comments.

Thank you, Mr. Chairman.

Senator MURPHY. Thank you, Senator Rounds. Let me briefly introduce our nominees.

First, we have Mr. John Godfrey to be the Ambassador to the Republic of Sudan. Mr. Godfrey is currently Acting Coordinator and Acting Special Envoy to the Global Coalition to Defeat ISIS.

Next is Mr. Michael Adler to be Ambassador to South Sudan. He has over three decades of experience with the State Department. He is currently senior advisor in the Bureau of African Affairs and most recently served as the Deputy Senior Director for South Asia, before that director for Afghanistan on the National Security Council staff.

And finally, we have Mr. Michael Gonzales to be Ambassador to the Republic of Zambia. He currently serves as the Deputy Assistant Secretary of State in the Bureau of African Affairs and has previously held leadership positions as Deputy Chief of Mission of the United States Embassy in Nepal and Malawi.

We will sort of run from my right to left. We welcome all your opening comments, ask that you keep them to around three minutes, and we will submit and incorporate the full statement for the record.

STATEMENT OF MICHAEL C. GONZALES OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINSTER–COUNSELOR, NOMINATED TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZAMBIA

Mr. GONZALES. Mr. Chairman, Ranking Member, distinguished members of the committee, I am honored to appear before you today as President Biden's nominee to be the next U.S. Ambassador to Zambia. If confirmed, I commit to work with Congress and your staffs to advance U.S. interests there.

Just over a hundred years ago, my great grandparents, fishermen from Spain and Sicily, came to America in search of a better life. Today, I, the son of a piano tuner and a bartender from Seaside, California, sit before you as the nominee to be a U.S. Ambassador. That, Senators, is the American dream. I want to salute my parents, Andy and Gini Gonzales, for their constant support to me.

My career-long pursuit of bridging America with Africa has provided a breathtaking life of opportunities for my family as we advanced American interests overseas, and I am grateful to be accompanied on this journey by the great love of my life, a gifted diplomat in and of herself, my wife, Carol Jenkins.

Carol joins me here today with two other people who make my heart full and make my world go around, our kids. Robin is passionate, creative, and wise beyond their years. I am so proud of their advocacy for decency, for equity and justice. And Hailey is a dynamic, fun, and deeply caring young lady who shows me the brightness in every day.

In August, as you noted, Senator, a record number of Zambian voters bravely stepped forward to denounce corruption and to demand change. Thanks to their bravery, Zambia today stands at a turning point and, if confirmed, I commit to lead U.S. Government efforts to support the Zambian people, to seize this historic opportunity, to strengthen resilient institutions that deliver accountable and responsive democratic governance.

I will also leverage Zambian partners and the American business community to support reforms that improve the business-enabling environments to unleash Zambia's economic potential to our mutual benefit.

The United States and Zambia have enjoyed decades of close partnerships. So far, nearly 2,500 Peace Corps volunteers have made lasting impacts and touched nearly every corner of the country.

The Millennium Challenge Corporation's first compact ensured that healthy families could contribute fully to their nation's success, and a second compact soon will help further unleash Zambia's potential.

For decades, U.S. health sector assistance and the President's Emergency Plan for AIDS Relief, or PEPFAR, have saved millions of Zambian lives, bringing the country to the brink of HIV/AIDS epidemic control.

USAID is rightly celebrated across the country for delivering support from the American people to support the resilience of Zambia's democracy, for improving livelihoods and providing the foundational skills for Zambians to create and to seize opportunities to realize their dreams.

Senator, the Zambian people have spoken and, like us, they, too, demand a more perfect union. They, too, dare to envision the Zambian dream and, if confirmed, I would be honored to shepherd American support for its realization to our mutual benefit.

Thank you, Senator. I would be honored to take any questions.

[The prepared statement of Mr. Gonzales follows:]

PREPARED STATEMENT OF MICHAEL C. GONZALES

Mr. Chairman, Ranking Member Risch, and distinguished members of the committee: I am honored to appear before you today as President Biden's nominee to be the next U.S. Ambassador to the Republic of Zambia. I appreciate the confidence the President and Secretary Blinken have shown in me. If confirmed, I look forward to working with you and other Members of Congress and staff to advance U.S. interests and ensure the safety of U.S. citizens in Zambia.

Just over 100 years ago, my great-grandparents—fishermen from Spain and Sicily—came to America seeking a better life. The fact that today I—the son of a piano tuner and a bartender from Seaside, California—sit before you as a nominee to be a U.S. Ambassador reflects yet another realization of the American Dream. I want to salute my parents, Andy and Gini Gonzales for their courage in sending me off as an AFS exchange student at age 15 where I developed my fascination with the world beyond our borders. They have supported me ever since. At Occidental College I declared my focus on African Studies. My pursuit of bridging America with Africa has provided a breathtaking life of opportunities for me and my family ever since.

I am grateful to be accompanied on this journey by the great love of my life, my wife Carol Jenkins, a gifted diplomat herself. Carol joins me here today with the two other people who make my heart full, our kids. Robin is passionate, creative, and wise-beyond-their-years. I am proud of their advocacy for decency, equity, and justice. Hailey is a dynamic, fun, and deeply caring young lady who shows me the brightness in each day.

The United States and Zambia have enjoyed decades of close partnerships since Zambia's independence in 1964. Zambia's founding father Dr. Kenneth Kaunda frequented the White House. His ethos—"one Zambia, one nation," remains a powerful call for unity, not unlike America's own motto "E Pluribus Unum." Indeed, the strength of both our countries rests in our diversity.

In August, a record number of young people, women, and first-time Zambian voters bravely stepped forward to denounce corruption and demand change, accountable governance, fundamental freedoms, and inclusive economic opportunity.

Thanks to their bravery, Zambia today stands at a turning point in its history. If confirmed, I will lead U.S. Government efforts to support the Zambian people to seize this historic opportunity to strengthen resilient institutions of government to cement the foundations for accountable, responsive, and sustainable democratic governance. I will also leverage the Zambian people and the American private sector to support reforms that improve the business enabling environment to unleash Zambia's inclusive economic potential and deepen linkages with American businesses.

I was proud to see the recent return of Peace Corps volunteers to Zambia—the first country program to re-open since the pandemic. Over the past three decades nearly 2,500 American Peace Corps Volunteers have touched, and made lasting impacts in, every corner of the country. I salute the service of these frontline Ambassadors.

Investments by the Millennium Challenge Corporation support the larger, structural changes critical to unleash Zambia's economic development. MCC's first Compact transformed Zambia's water sector, ensuring healthy families and workers could contribute fully to their nation's success. If confirmed, I look forward to partnering again with MCC to deliver a similarly transformational second Compact.

Funding for health programs comprises the bulk of our assistance to Zambia. Decades of work by U.S. and Zambian experts—supported by the unmatched generosity of American taxpayers and our expert staff from USAID, the Centers for Disease Control, and other agencies—has saved millions of Zambian lives. Over nearly 20 years, the U.S. President's Emergency Plan for AIDS Relief (PEPFAR) has supported robust public health systems, slashed maternal mortality, improved childhood nutrition, and provided the backbone for pandemic response. If confirmed, I will guide our interagency team toward realizing epidemic control in Zambia.

Our assistance does not just save lives, it directly advances U.S. interests. USAID is rightly celebrated across the country for decades of partnerships with the Zambian people. Their investments in citizen-responsive governance contribute directly to the stability and resilience of Zambia's democracy. Poverty reduction programs improve the livelihoods of millions of Zambians—and with them, Zambia's prospects of self-reliance and prosperity. And USAID-supported education programs increase childhood literacy, providing the foundational skills for Zambians to create and seize opportunities to realize their dreams.

The Zambian people have spoken. Like us, they too demand a more perfect union. They too dare to envision the Zambian Dream. And, if confirmed, I would be honored to shepherd American support for its realization, to our mutual benefit.

Thank you for the opportunity to appear before you today. I would be pleased to respond to any questions.

Senator MURPHY. Mr. Godfrey?

STATEMENT OF JOHN T. GODFREY OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, NOMINATED TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SUDAN

Mr. GODFREY. Mr. Chairman, Ranking Member, distinguished members of the committee, thank you for the opportunity to appear before you today as the President's nominee to be the first U.S. Ambassador to the Republic of Sudan in 25 years, as Chairman

Murphy noted, and thank you for your strong support for a democratic Sudan.

I am grateful to President Biden and Secretary Blinken for the confidence they have placed in me and, if confirmed, I look forward to working closely with this committee to advance America's interests in Sudan.

I am grateful to share this day with family, for whom public service has been important. My father's career as an Air Force officer took my family overseas for much of my childhood, instilling appreciation for service to country and an abiding curiosity about the wider world.

I want to thank my wonderful wife, Jennifer Hall Godfrey, a Senior Foreign Service Officer, for her love, partnership, and support during a rewarding but challenging pair of careers in which we have, largely, served at hardship and danger posts.

I also want to commend our two sterling sons, Nathaniel and Jack, for their intrepid spirit and resilience, acknowledging that if I am confirmed our family will serve apart on two continents as so many Foreign Service families do.

I am no stranger to Sudan. In pre-revolution Libya, I worked on humanitarian and political issues related to Darfur. In the Counterterrorism Bureau, I was closely involved in rescinding Sudan's designation as a state sponsor of terrorism.

Sudan is at a moment of great peril. The military takeover on October 25th and lack of an agreement establishing the framework for a civilian-led transition worsened the country's political, economic, and security crises. The devastating human toll of recent violence in Darfur is just one example of the dangers of the current political paralysis.

Realizing the promise of Sudan's democratic revolution is important for the Sudanese people, who have consistently and courageously demanded a more human rights-respecting, accountable, and effective government that is important for stability in the strategically important Red Sea region and it is important as a potential exemplar of the benefits that democracy brings.

The immediate imperative is assisting Sudanese stakeholders in establishing a sustainable civilian-led transition. The current process facilitated by the U.N., the African Union, and the Intergovernmental Authority on Development affords the best foreseeable opportunity to establish the framework for an inclusive civilian-led transition, redefine the security services role, and to advance elections, economic reforms, human rights, justice and accountability, and enduring peace, including in historically marginalized areas.

If confirmed, I will work with Sudanese and other partners in support of these goals. Doing so is urgently important in light of Sudan's economic and humanitarian crises, which the military takeover has exacerbated.

If confirmed, I will work with Sudanese and international partners to ensure that humanitarian needs are met and emphasize that resuming paused development assistance is predicated on a credible civilian-led democratic transition.

If confirmed, I look forward to leading our embassy in Khartoum, which would be a high honor. My highest priority will be ensuring

the safety and security of our American and locally-employed staff and of Americans who live and work in Sudan.

Thank you again for the opportunity to appear here today, and I look forward to your questions.

[The prepared statement of Mr. Godfrey follows:]

PREPARED STATEMENT OF JOHN T. GODFREY

Mr. Chairman, Ranking Member, distinguished members of the committee, thank you for the opportunity to appear before you today as the President's nominee to be the first U.S. Ambassador to the Republic of Sudan in 25 years, and thank you for your strong support for a democratic Sudan. I am grateful to President Biden and Secretary Blinken for the confidence they have placed in me. If confirmed, I look forward to working with this committee to advance America's interests in Sudan.

I am grateful to share this day with family, for whom public service has been important. My father's career as an Air Force officer took my family overseas for much of my childhood, instilling appreciation for service to country and an abiding curiosity about the wider world. I want to thank my wonderful wife, Jennifer Hall Godfrey, a Senior Foreign Service Officer, for her love, partnership, and support during a rewarding but challenging pair of careers in which we have largely served at hardship and danger posts. I also want to commend our two sterling sons, Nathaniel and Jack, for their intrepid spirit and resilience, acknowledging that if I am confirmed our family will serve apart on two continents, as so many Foreign Service families do.

Much of my two decades of service has been in societies that were closed or in transition during challenging times. That necessitated engaging tough interlocutors on issues they often would have preferred to avoid and high-level negotiations on consequential issues. I am no stranger to Sudan. In pre-revolution Libya I worked on humanitarian and political issues related to Darfur; in the Counterterrorism Bureau I was closely involved in rescinding Sudan's designation as a State Sponsor of Terrorism. In important ways, this nomination represents a continuation of those efforts. If confirmed, I will draw on that broad experience to advance U.S. interests in Sudan.

Sudan is at a moment of great peril: the military takeover on October 25 and lack of an agreement establishing the framework for a civilian-led transition worsened the country's political, economic, and security crises. The devastating human toll of recent violence in Darfur is just one example of the dangers of the current political paralysis. Realizing the promise of Sudan's democratic revolution is important for the Sudanese people, who have consistently and courageously demanded more human rights respecting, accountable and effective governance; for stability in the strategically important Red Sea region; and as a potential exemplar of the benefits that democracy brings. In a potent example for neighboring countries, the Sudanese people have made clear through four years of sustained activism that they are unwilling to have their demands for civilian rule and democracy ignored or coopted.

The immediate imperative is assisting Sudanese stakeholders in establishing a sustainable civilian-led transition and maintaining regional and international consensus on the way forward. The current process facilitated by the U.N., the African Union and the Intergovernmental Authority on Development affords the best foreseeable opportunity to establish the framework for an inclusive civilian-led transition, redefine the security services' appropriate role, and advance elections, economic reforms, human rights, justice and accountability, and enduring peace, including in historically marginalized areas like Darfur and the Two Areas.

To facilitate that process, the military government must take steps to foster a climate conducive to political dialogue, including ending violence against protestors, lifting the State of Emergency, and releasing unjustly detained activists.

The rights of all individuals in Sudan, including members of minority groups, women, youth, and those in historically marginalized areas, must be protected and their voices heard in building a new Sudan. If confirmed, I will work with Sudanese and other partners in support of establishing a path to a credible, sustainable civilian-led democratic transition in Sudan.

Doing so is urgently important in light of Sudan's economic and humanitarian crises. Economic reforms that would have led to debt relief and international support were paused due to the military takeover, sparking a fiscal crisis and hyperinflation. Rising prices and wheat shortages worsened by Russia's unprovoked war against Ukraine mean the number of food-insecure Sudanese could double to 18 million by

September. If confirmed, I will work with Sudanese and international partners to ensure that humanitarian needs are met and emphasize that resuming paused development assistance is predicated on a credible civilian-led democratic transition. As Secretary Blinken said, "We remain poised to use all tools at our disposal to support the Sudanese people in their pursuit of a democratic, human rights-respecting, and prosperous Sudan."

If confirmed, I look forward to leading our Embassy in Khartoum. My highest priority will be ensuring the safety and security of our American and locally employed staff, and of Americans who live and work in Sudan.

Thank you again for the opportunity to appear here today. I look forward to your questions.

Senator MURPHY. Thank you.

Mr. Adler?

STATEMENT OF MICHAEL J. ADLER OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, NOMINATED TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH SUDAN

Mr. ADLER. 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 United States Ambassador to the Republic of South Sudan.

I would like to thank President Biden and Secretary of State Blinken for the confidence they have placed in me. If confirmed, I look forward to the honor of working with this committee.

I would also like to acknowledge the support of family, friends, and mentors throughout my career. Words could not adequately express my debt of gratitude to them or the sense of honor I feel at having been able to represent the United States abroad as a Foreign Service Officer.

Mr. Chairman, Ranking Member, and distinguished members of the committee, in its short history South Sudan has faced and continues to face monumental challenges, including protracted violence, extreme poverty, and famine conditions.

Overlaying these challenges are the intricate cultural nuances of competition for dominance over local governance and control of scarce resources.

South Sudan is a complex foreign policy challenge that is at risk of further destabilizing the region already grappling with violent conflict. While the 2018 revitalized peace agreement contains many key pieces needed to advance political and economic transformation in South Sudan, it does not go far enough.

We agree with the people of South Sudan who are calling for radical change to meet their long-deferred dream of becoming a thriving democracy. The transitional government has simply failed to undertake essential democratic and economic reforms.

This inaction lets down the South Sudanese people, South Sudan's neighbors, who are guarantors of the peace agreement, and the broader international community, including the United States.

President Salva Kiir himself recently publicly committed to free, fair, and credible democratic elections, and we should hold him to that promise.

I assure you that, if confirmed, I am committed to focusing on the safety and security of American citizens abroad as well as on

the welfare of the American and local staff members at Embassy Juba.

Thank you, Mr. Chairman, Ranking Member, and distinguished members of the committee for this opportunity. If confirmed, I look forward to working with you and my colleagues across the U.S. Government. I welcome any questions you may have.

[The prepared statement of Mr. Adler follows:]

PREPARED STATEMENT OF MICHAEL J. ADLER

Mr. Chairman, Ranking Member, and distinguished members of the committee: I am honored to appear before you as the President's nominee to be the United States Ambassador to the Republic of South Sudan. I would like to thank President Biden and Secretary Blinken for the confidence they have placed in me. If confirmed, I look forward to working with this committee. I would also like to acknowledge the support and encouragement of family, colleagues, and mentors throughout my career. Words could not adequately express my deep appreciation to them or the gratitude I feel for the opportunities I have had to support American interests abroad as a Foreign Service officer.

Mr. Chairman, in its short history, South Sudan has faced and continues to face monumental challenges, including protracted violence, extreme poverty, and famine conditions. This new nation, already weakened by a transitional government failing to live up to commitments made first in 2015 and then again in the 2018 peace agreement, was hit by three years of flood waters that have never completely receded. The United Nations estimates that 8.9 million people, more than two-thirds of the country's population, will require humanitarian assistance this year. For too long, violence, suppression of voices from civil society and journalists, and massive corruption have taken a toll on the country's communities, its youth, and its economy. Overlaying these challenges are the intricate cultural nuances of competitions for dominance over local governance and control of scarce resources. South Sudan is a complex foreign policy challenge that is at risk of further destabilizing a region already grappling with violent conflict.

While the 2018 revitalized peace agreement contains many key pieces needed to advance political and economic transformation in South Sudan, it does not go far enough. We agree with the people of South Sudan who are calling for radical change to meet their long-deferred dream of becoming a thriving democracy where the country's immense resources are used for the benefit of its citizenry. The transitional government has simply failed to undertake essential democratic and economic reforms. This inaction lets down the South Sudanese people, South Sudan's neighbors who are guarantors of the peace agreement, and the broader international community. President Salva Kiir himself recently publicly committed to "free, fair, and credible democratic elections" and we should hold him to that promise. Working closely with our international partners and the South Sudanese people, we must ensure that steps are taken to establish a framework that safeguards a future electoral process and ensures that the South Sudanese people's vision for their country is achieved through the ballot box. Together with our partners, particularly the United Kingdom and Norway, we can continue to urge the South Sudanese Government to provide an inclusive constitution-drafting process, to adopt credible electoral legislation, to develop inclusive electoral institutions and to create a safe space for civil society and political parties to carry out their respective roles. Unifying national security forces and passing coherent security legislation are additional predicate actions the Government needs to undertake immediately. We should seek to continue to help the South Sudanese people achieve their democratic aspirations while simultaneously avoiding expanded and intensified conflict that would risk weighing down neighbors across East Africa.

The State Department and the U.S. Department of the Treasury coordinate closely on a range of issues. These include financial sanctions, as well as efforts to urge the South Sudanese Government to address serious deficiencies in its management of public finances in order to fight corruption and stop fueling the ongoing conflict.

Mr. Chairman, this is a crucial moment for the people of South Sudan and for U.S. interests. If confirmed, I will work with the leaders and the people of South Sudan and our international partners to help keep South Sudan moving toward a viable democratic government that respects human rights and affords the people in South Sudan the ability to pursue security and opportunity.

Finally, Mr. Chairman, I assure you that, if confirmed, I am committed to focusing on the safety and security of American citizens abroad, as well as on the welfare of the American and local staff members of Embassy Juba.

Thank you, Mr. Chairman, Ranking Member, and distinguished members of the committee for this opportunity. If confirmed, I look forward to working with you and my colleagues across the United States Government to stand shoulder to shoulder with the South Sudanese people as they find their way forward and transform their country into the thriving and prosperous democracy that I know it can become. I welcome any questions you may have.

Senator MURPHY. Thank you all for your testimony, again, for your willingness to serve.

Mr. Godfrey, let me start with you and draw on your experience in the region and also in the Middle East. Many in Sudan believe that a host of regional actors—Egypt, UAE, Saudi Arabia, perhaps even Israel—are providing support to the junta and undermining efforts to return to civilian-led governance.

The former Sudanese foreign minister somewhat infamously asserted that both Egypt and Israel supported the coup, reportedly actually made a trip to Cairo maybe one night before it commenced.

More recently, some of the Gulf States have joined Quad statements in calling for a restoration of civilian government. But the reality on the ground is that there is a real belief that there are outside influences preventing a transition back to democracy.

I would be interested in your assessment in the importance of these outside regional entities' efforts and how you are going to engage with regional actors to make sure they are in sync with efforts to support democracy and civilian rule.

Mr. GODFREY. Thank you very much, Mr. Chairman, for that thoughtful question.

One of the hard aspects, I think, of Sudan's very difficult history is that for the entirety of its modern era it has been a theater in which there have been proxy actors looking to advance their own interests, often at the expense of the interests of Sudan and the Sudanese people.

You mentioned specifically the Gulf countries as well as Egypt. I would add Israel to that as well. Those countries have long-standing interests in Sudan and it is important that we closely coordinate with them to ensure that their efforts and ours align to the extent that that is possible.

If confirmed, I would work with those actors and with international partners to underscore that Sudan's long-term stability can only come through an inclusive political process that results in a civilian-led transition to democracy, and I think that is vitally important because there is a tendency on the part of some of the actors you mentioned to view more expedient outcomes, possibly, that would result in either a military-led government or another deal between elites as a preferable path that would lead to short-term stability.

Unfortunately, that does not comport with the wishes of the Sudanese people and I think there is real downside peril there.

However, there is also opportunity to leverage those actors' involvement and their interests, and some of them, I think, are equally concerned about some of the things we are in Sudan, in-

cluding efforts by Russia to try to establish a naval base on the Red Sea coast.

And working together with colleagues in the Near Eastern Affairs Bureau and the Special Envoy for the Horn of Africa, I think we would need to continue to coordinate closely with those partners to ensure that they are on board with the current effort that the UNITAMS–AU–IGAD facilitated process is trying to achieve.

Senator MURPHY. As just a quick editorial comment, Egypt's role here has probably been amongst the most significant. I think we have a badly outdated conception of the ways in which Egypt acts in the region.

We think that by sending them millions of dollars of military aid that it will convince them to act in U.S. interests. I think Egypt has shown us over and over again that they are willing to act in concert with us when it is also in their security interest but they are very clearly willing to diverge from our interests, Sudan being at the top of that list, when they see a domestic benefit.

Just one more question to you, Mr. Adler, and then I will turn it over to colleagues. I wanted to maybe draw on your broader experience because in South Sudan, and you mentioned this in your opening remarks, it is really one of the world's most dangerous countries for aid workers and for diplomats. You have had 130 humanitarian workers that have been killed since 2013, and we are having a conversation on this committee about how to protect and incentivize diplomats in very dangerous places to be able to get out of embassy compounds, to be able to be in the communities that they represent.

And while that may be very difficult right now in South Sudan, we are, I think, far too disincentivized right now in the diplomatic corps to get outside of the embassy to get into communities, and I wonder if you can provide a little bit of extra context for how we allow humanitarian workers in South Sudan to do the work they need to do but also how we change the incentive structure for the State Department to, when it is appropriate, be able to push forward diplomats so that the face of America is not just troops in places that are fragile but diplomats as well.

Mr. ADLER. Thank you for the question, Mr. Chairman. I strongly agree with your views. I think the best way forward is, if confirmed, for me to take a hard look at appropriate risk management to ensure that we are getting out in safe ways but that we are getting out.

Our policy success in South Sudan, based on my experience in other countries, will rely heavily on our understanding of the dynamics driving society and that requires a continuous effort to expand our outreach to political actors but also to civil society.

I think it is deplorable that 130 assistance workers have been killed in South Sudan since independence. So along with my efforts to ensure appropriate risk management for my team, I would engage vigorously and strongly with the South Sudanese leadership and with other partners to ensure that assistance workers have adequate protections and that we are there to support them, most particularly our implementing partners.

In terms of the incentive structure, Mr. Chairman, that is a longer conversation about department management issues. But I

would say in the context of South Sudan I commit myself to ensuring that within the embassy I will be completely dedicated to the morale, the productivity, and clear two-way communication with every member of my team of all agencies and that I commit myself to fostering the professional development and the onward assignments for those who serve on my team in this very difficult environment. Thank you.

Senator MURPHY. Appreciate it. I just note that Senator Risch and I have a pretty encouraging bipartisan bill to try to change that incentive structure surrounding the Accountability Review Board. I will put it before all three of you for comment once you are confirmed.

Senator Rounds?

Senator ROUNDS. Thank you, Mr. Chairman.

Mr. Gonzales, under President Lungu, Zambia accrued significant Chinese debt that has crippling ramifications for the Zambian economy. As U.S. Ambassador to Zambia, how will you support Zambia in its efforts to restructure its external debts and to find alternative sources of support to relieve pressure on its economy due to its unsustainable debt burden?

Also, how will you work with your Zambian counterparts to make sure that efforts to deleverage from the Chinese are not reversed?

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

I think step one needs to be a robust and good faith process of renegotiating the current debt burden. That means bringing China to the table and no longer allowing China to continue to drag its feet and delay the processes.

China presents itself as an all-weather friend of African countries and, well, the storm is upon Zambia and now is the time for the all-weather friend to also stand forward like the rest of us in the community of nations have done and participate in a renegotiation process.

The IMF plays an instrumental role in the longer-term support of the—bringing the Zambian economy back to the stable trajectory that it needs to be on and, if confirmed, I would work with like-minded partners across the international community and with the IMF itself to ensure that Zambia is able to realize the extended credit facility that it is negotiating.

The longer-term solution, however, to Zambia's growth and Zambia's prosperity does not lie in governments and development partners. It lies in the private sector unleashing the potential in the Zambian people.

And so, if confirmed, a high priority of mine as the U.S. Ambassador to Zambia would be to work with the American private sector and Zambians to reform the business-enabling environment so businesses can come in, create jobs, pay taxes, contribute to the common good in an equitable way so that regions are not left behind, so that women are not being left behind, but so that the country can prosper.

Thank you, sir.

Senator ROUNDS. Thank you, sir.

Mr. Godfrey, the U.S. Department of State, the U.S. Department of the Treasury, the U.S. Department of Commerce, and the U.S. Department of Labor issued a Sudan business advisory yesterday

highlighting the growing risks to American businesses stemming from the Sudanese military's failure to cede power to a civilian-led government. Can you outline why the military junta is bad for business in Sudan?

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

I think that the track record since the October 25 military takeover amply demonstrates that the military government is not good for business either for U.S. business interests but, more broadly, for any other external partners, nor is it good for the economy and the Sudanese people, and that is so for a few reasons.

The civilian-led transitional government has, as you know, sir, made significant progress in undertaking economic reforms that were poised to realize significant debt relief to the tune of $23 billion, World Bank IDA investments to the tune of $2 billion for 2019 funds alone, as well as significant lines of credit from the IMF.

All of those monies were conditions based. All of them were paused in the wake of the October 25th military takeover, and since then what we have seen is hyperinflation, fiscal crisis, and the inability of the Government to meet its bills, as well as rising food prices that have been exacerbated by Russia's brutal and unprovoked invasion of Ukraine.

I saw one estimate just the other day that Sudan is the third most impacted country on the face of the planet in terms of the disruptions to wheat and grain due to the Russian invasion of Ukraine.

The military government is, clearly, not capable of navigating those issues. I think that the coordinated pause on international debt relief and credit has really created a problem for them in terms of the ability to access resources, and that is one of the most significant points of leverage that we have in urging them to facilitate the restoration of a civilian-led transitional government.

Senator ROUNDS. Thank you, sir.

Mr. Adler, do you feel that the United States demonstrates an adequate level of diplomatic engagement to resolve the many crises in South Sudan relative to the over $1 billion per year we provide to South Sudan? Seems to me that diplomatic action or interaction would be effective and needed as well.

Mr. ADLER. Thank you, Ranking Member, for your question.

I firmly agree that vigorous diplomatic action is necessary, and if confirmed as a confirmed chief of mission I would make my top priority engaging with the leadership of the South Sudanese Government to ensure that they understand that with a billion dollars of U.S. assistance per year we have expectations and expectations that they act with urgency to move forward with implementation of their commitments to give the South Sudanese people the future the South Sudanese people have made clear they seek, one of democracy, one of security, and one of prosperity.

Senator ROUNDS. [Presiding.] Thank you, sir. My time has expired.

On behalf of Chairman Murphy, Senator Coons?

Senator COONS. Thank you, Senator Rounds, Senator Murphy, and thank you all for your long service to our country, for your willingness to continue to serve in parts of the world that can be challenging at times to your families for supporting you.

All three of the countries to which you are nominated are countries where stability, transition to democracy, or the sustainment of a democracy is a key part of the work you will be undertaking.

Mr. Gonzales, if you might, I think many of us were encouraged to see what happened in the election of President Hichilema, particularly given the huge amount of attention that was paid to his unjust detention and the number of national leaders who went and visited and the importance of his release.

What do you think are our key goals in terms of both long-term development and helping sustain a robust civil society, building a more—a strong foundation for an enduring democracy in Zambia? And what do you think are the most important tools for the United States to push back on Chinese influence in Zambia and to help the Zambians choose their own path?

Mr. GONZALES. Thanks, Senator. It is great to see you again. I think the last time was in Katmandu when we sang the praises of Ben Fry.

[Laughter.]

Mr. GONZALES. I think the answer lies in systems, and as Ambassador Battle in the panel before me talked about, codifying. We have a great opportunity in Zambia right now because of the way that the Zambian people have spoke.

But we should not rest our solutions on one individual or one moment in time or ad hocism, and I think this is where the United States can play an important and critical role, frankly, in helping build and inform systems.

For the Zambian people to make Zambia for their own version of democracy, I think at the heart of it is addressing the endemic corruption that has wrought and devastated the country for far too long, and this is where U.S. assistance on public financial management best practices. Whether it is from the U.S. Agency for International Development or Office of Technical Assistance over at Treasury, there are many tools that we have.

I think U.S. Trade and Development Agency's Procurement Transparency Initiative is a great opportunity and I know that you were a driving force behind the BUILD Act, and I think here the Development Finance Corporation can also be really vital in providing international best practices to improve the transparency and the enabling environment for the economy and for the management of that economy by government institutions.

What can we do? There are many, many things that we can do and, if confirmed, I look forward to partnering with the members of Congress and your staffs to explore those further.

Senator COONS. Thank you, and I will give Ben Fry your best.

Mr. Godfrey, if confirmed, you will be the first Ambassador to Sudan in a long, long time, I think, since '97, and Ally Davis on my staff and I and a number of other colleagues worked very hard on trying to support the aspirations of the Sudanese people to create an environment in which there could be successful transition to civilian rule and, unfortunately, a military junta now is back in control.

Some have criticized the United States as having sort of missed an opportunity to effectively press the junta to step back. General

Burhan and I have spoken directly about my concerns about the status of the situation in Sudan.

Just a week after the Burmese coup we had imposed sanctions, but sanctions have not yet been imposed, although there is legislation to that effect. I would argue the Administration has the power to do so.

How would you respond to those who say that we are not doing enough with the tools that we have, both the pause in assistance and the potential for sanctions?

Mr. GODFREY. Thank you, Senator.

Just to state clearly at the outset, if confirmed, I would, certainly, seek to use all appropriate tools to establish a framework for Sudan's civilian-led democratic transition.

Sanctions are an important tool to name and shame but also to drive changes in behavior, and I got a little bit of experience in this from my time in the Counterterrorism Bureau.

I think prior to making any recommendation on potential sanctions I would want to understand the likely impact on military leaders' behavior, the practical impact on their finances and access to financing, the impact on the Sudanese economy and how it would relate to our overall diplomatic strategy including the current UNITAMS–AU–IGAD facilitated process.

I think those judgments about the interplay of political dynamics on the ground, on the one hand, and the likely impact of sanctions require a fingertip feel that is, frankly, quite hard as a nominee sitting six time zones away to have.

However, I do think that as the business advisory that was released just yesterday and as the concurrent resolution that was adopted a bit earlier this month by the Congress showed, there is a unified view across branches of the U.S. Government that we need to be applying pressure and sustaining pressure on the military government to facilitate things that lead to the restoration of a civilian-led transitional government and if I am confirmed I would, certainly, work with partners to sustain that pressure.

I think what we have done in coordinating the pauses in debt relief, credit, and some development assistance are really important in that regard and need to be sustained.

I also think that the sanctioning of the central reserve police and looking at potential other actions is something that we need to stay focused on as well as we move forward here.

Senator COONS. Thank you. I, certainly, agree that—look, let me speak more broadly. After four years of sustained and persistent effort by hundreds of thousands of the Sudanese people they have earned the chance to find their way forward in a democratic transition and I hope that we are doing everything we can to support that, and I would, certainly, welcome once you are confirmed, once you are at station to get input from you about what you think we can best do to support the Sudanese people.

I had the chance to go to Khartoum and to meet with all of the then leaders—Prime Minister Hamdok and General Burhan and a number of the members of the cabinet and civil society leaders—and was very optimistic at that point, and I am really concerned about the trajectory the country is on.

If I might impose on the Chairman for a moment.

Just last but, certainly, not least, Mr. Adler, my one visit to Juba to meet with President Salva Kiir was depressing and challenging. I went out to visit refugees who were hemmed in by forces and suffering significantly, on the verge of starvation, and then I went and confronted him, having just been to a refugee camp in western Uganda where hundreds of thousands of South Sudanese had fled. This was a number of years ago.

The years of standoff between the two parties and their leaders is deeply disconcerting. I am encouraged by recent statements by President Kiir about allowing for free and fair elections in February of 2023.

But it does not seem to me that the conditions are being set on the ground for those elections to actually be successful. I would be interested in what you think about the potential of the Pope's upcoming visit and what you think are the tools that we might deploy in trying to support a transition to a freely and fairly elected government that might actually represent the best interests of the people.

Mr. ADLER. Thank you for the question, Senator, and I share the sentiment that you express based on what I have read and what I have learned from colleagues.

I know that a key part of our approach is to work with international partners to ensure that a common message is conveyed to the South Sudanese leadership about what international community expectations are and, frankly, what the South Sudanese people's expectations are.

As a nominee, I am not fully involved in the discussions of what we are asking of our partners. But what I would say is it seems to me imperative that South Sudanese leadership hears from everybody—neighbors, international players, all parties—that they must accelerate progress.

With respect to the democratic election, yes, we do believe that South Sudan must have a free, fair, and credible election. But how does that happen? Key predicate actions need to be taken. They are spelled out in the revised peace agreement. They have not been taken.

If I am confirmed I will prioritize them day one, pushing for those predicate actions to be put in place so the South Sudanese people can have the democratic election they deserve to have.

Senator COONS. It is a country of such remarkable riches and potential and such wonderful people, many of whom we have had a chance to meet here in the United States.

But after decades of tragedy I think they really deserve a great next chapter in their history, and I hope all three of you are confirmed and I look forward to supporting you and your service in some challenging places in the world.

Thank you for your forbearance, Mr. Chairman.

Senator ROUNDS. Thank you, and on behalf of Chairman Murphy, Senator Kaine?

Senator KAINE. Thank you, Senator Rounds.

An appreciation and then an observation. So the appreciation side, and I will just echo comments of my colleague, Senator Coons, that you have all had three really distinguished careers and you have all served in dangerous places, and you have all served in

places where it has meant some sacrifice, including time separated from your families.

I remember one of my first visits as a Senator to—on a CODEL was to Egypt and one of the FSOs I was visiting with had to cut short a meeting at 5:00 o'clock on a Friday because, I have to get home and dress up for my Skype date. And I said, well, what is that? And she said, well, my husband is a Foreign Service Officer, too, and he is in Turkey and we do a Skype—we dress up and do a Skype date every Friday. And I said, wow, that is pretty tough, and she said, Egypt to Turkey is a lot closer together than we often have been during our career.

So I just want to say to the family members, the young people, the spouses, friends and family who are watching, your service, your sacrifice, and your willingness to do more to put a good face on a nation, you exemplify a nation and when people—many people, their interaction with America will be their interaction with you and the people who work with you in your mission, and I just wanted to express my appreciation to all of you for that.

And then an observation. Senator Coons was in an exchange with Mr. Godfrey about sanctions, and this is something that I hope, as a committee, we might do sometime is to really analyze our sanctions policy big picture.

We are often talking about sanctions in Venezuela or sanctions in Russia and sanctions in Iran, and I think sanctions policy and the power of U.S. leading sanctions, particularly if they are multilateral, have often accomplished good things.

But then I also believe sometimes they have a perverse effect. They give a dictator who is mismanaging a country the ability to say, see, we would be doing great if it were not for the big bad United States imposing sanctions on us.

And so some assessment—and I know some work on this has been done at Stanford but some assessment of U.S. sanctions policy and when has it worked really well and when has it maybe not produced the result that we wanted, and what are elements of sanctions policy that might maximize their effect.

I will give you an example. I think sanctions bill should almost always have, and here is how the sanctions will be lifted. Do the following five salutary things that you should want to do if you care about your people and the sanctions will go away.

I think many on the receiving end of sanctions sort of believe that it is one and done and as soon as we put them on they will be laboring under them forever, so what is their incentive, really, to change behavior if they do not think that good behavior would provide an off ramp.

So I am just—we are dealing with so many different sanctions issues at any one time and I can, certainly, see in my 10 years here the salutary effects of some of the sanctions work we have done. Really important.

I think we are seeing it in real time. The sanctions policy in—against Russia in Ukraine, combined with other things, has certainly shrunk Russia's war aims and had a very, very damaging effect upon them.

But it might be time to look big picture about could we do even better and, in particular, I am kind of intrigued by the notion of

putting a clear off ramp in sanctions so that we can then market to the citizens of these countries, look, we do not want to hurt you at all.

All we want to do is produce this good behavior and as soon as the government does exactly the kinds of things that they should do that are in your interest then the sanctions will go away.

We might be able to more effectively impose, market, communicate, why we are doing the sanctions but also more likely incentivize the kind of behavior that we are looking to, hopefully, incentivize by those.

I would just maybe say to my colleagues maybe this is an issue that we ought to spend some more time on and I would look forward to doing that. Thank you to all of you and congratulations on your nominations.

Senator ROUNDS. That concludes our committee work this afternoon. On behalf of Chairman Murphy, I would note that all questions for the record for our nominees are due at close of business tomorrow, Wednesday, the 25th.

And unless there is further business to come before the committee, this committee—this subcommittee meeting is adjourned.

[Whereupon, at 4:00 p.m., the hearing was adjourned.]

Additional Material Submitted for the Record

Statement Submitted for the Record by Chairman of the Full Committee Hon. Robert Menendez

I'm pleased that we were able to hold today's hearing. The nominees on today's panel are being considered for countries in which the United States has significant strategic interests. In some cases, these posts have been vacant for years.

In east Africa the picture looks bleak. The nomination of a new U.S. Ambassador to Sudan—who would be the first confirmed Ambassador to go to Khartoum in a quarter of a century—comes at a fraught moment for Sudan's future. The October 2021 coup in Sudan constituted a major setback. General Abdel Fattah a-Burhan and General Mohamed Hamdan Dagalo "Hemedti" continue to consolidate power, thwarting the aspirations of millions of Sudanese who supported and participated in the 2019 revolution, and putting Sudan's development, stability, and security at risk. 30 percent of Sudan's entire population are estimated to need humanitarian assistance. Sudan's already bad economy continues to worsen, yet Burhan, the Hemedti family, and Sudan's military leadership continue to turn a profit including by working with the Kremlin-backed Wagner group to secure gold mines and other economic assets throughout the country. Today's nomination significantly strengthens our commitment to Sudan and its people in their quest for democracy and accountable government.

South Sudan has not held elections since the country attained its independence in 2011. The 2018 revitalized peace agreement (R-ARCSS) remains largely unimplemented nearly four years after it was signed. Elections, which were supposed to have occurred in 2023, now look increasingly unlikely due the failure of South Sudanese leaders to adhere to and implement the agreement they signed.

In 2021 the U.N. reported that over $73 million had been diverted from South Sudanese Government coffers and that this figure was likely just a fraction of what has actually been stolen by senior officials. Even as the leaders of South Sudan line their pockets and arm their own private militias, the people of South Sudan continue to suffer. More than 6 million South Sudanese are displaced due to violence and climate change. As many as 8.3 million people in South Sudan are estimated to need aid. In assessing President Salva Kiir and Vice President Riek Machar's atrocious ten-year record of governance, corruption, grievous human rights abuses, impunity, and complete disregard for the welfare of the South Sudanese people, it is increasingly clear that the best thing President Kiir and Vice President Machar can do for their country now is retire. The appointment of a new Ambassador to

South Sudan, after so many years without an Ambassador in Juba, reaffirms our commitment to the South Sudanese people.

There are glimmers of hope in east Africa, however. Tanzania could be a bright spot. It remains unclear whether President Hassan is truly committed to reversing the anti-democratic policies of the previous administration. Tanzania continues to struggle in terms of press freedom, party pluralism, and accountability for attacks, disappearance and murders of opposition political figures, for example. However, the change of leadership in the wake of the passing of former President John Magufuli provides an opening. I hope that the Administration, led by a new Ambassador, will take advantage of the moment to press for advancements in the areas of democracy, good-governance, and financial transparency in Tanzania by supporting key institutional and legal reforms.

Kenya too represents a potential bright spot. Though the Kenyan elections will be highly competitive this August, the fact that Kenyans are committed to going to the polls is meaningful in a region where regular elections cannot be taken for granted. There are significant challenges—security force abuses of civilians, entrenched corruption, and income inequality o name a few. However, there is also a highly educated population, a vibrant free press and, a robust economy, all of which are helping move Kenya in a positive direction.

In southern Africa, the picture is much more optimistic. South Africa's economic and political leadership on the continent make it a critical partner for the U.S. We must establish a closer, more productive relationship with it. Despite its current problems-endemic corruption, slow economic growth, and deeply-rooted inequality-it is nonetheless an industrialized democracy with considerable diplomatic influence. The United States should be actively positioning itself as South Africa's partner of choice, and it is critical that we have an Ambassador in place to lead these efforts.

The Zambian people's rejection in 2021 of a leader who was growing more and more authoritarian is an historic moment for Zambia. The United States must seize on this opportunity to help Zambia strengthen its democracy, reform its institutions, mitigate its economic crisis brought about by fiscal mismanagement and opaque debt-much of which was accrued under dubious terms to China. Just as Zambia's democratic achievements can be a model for the rest of Africa, the United States should surge resources and support to Zambia as a model for how we engage with new democracies and cultivate new partnerships. I'm glad to see such a well-qualified nominee for the position.

I welcome each of the nominees to the hearing and plan to move them through committee as quickly as possible.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. REUBEN E. BRIGETY II BY SENATOR JAMES E. RISCH

Question. In November 2020, I published a Senate Foreign Relations Committee majority report entitled "The United States and Europe: A Concrete Agenda for Transatlantic Cooperation on China." The report gave several recommendations for increased transatlantic cooperation, including on Africa, to counter malign Chinese influence more effectively. In what ways should the United States partner with European countries to build on likeminded interests in South Africa and counter the influence of China and other malign actors?

Answer. The U.S. Mission in South Africa coordinates closely with European and other like-minded missions in South Africa on this topic. If confirmed, I will invigorate these efforts and use my position to expand and elevate the conversation. South Africa faces challenges from PRC and Russian disinformation campaigns, as many countries do; it is also a vibrant constitutional democracy and a fellow G-20 nation that has shown the independence and insight to defend its sovereignty from external malign actors. The key to working successfully with our European partners on this issue in South Africa is to work with our South African partners—coordinating and engaging robustly on issues that affect it, like disinformation and cybercrime.

Question. In the State Department's 2021 Trafficking in Persons Report (TIP), South Africa was downgraded to the Tier 2 Watch List for continued lack of implementing regulations to a 2013 law, corruption and complicity in trafficking, and overall decreasing efforts to meet the minimum standards. How will you work with the South Africans to address these issues if you are confirmed as Ambassador?

Answer. Trafficking in persons poses a grave threat and requires a whole-of-government response. If confirmed, I will work with South African stakeholders across

their interagency and in civil society, both at the national and provincial levels, to implement both South Africa's 2019 national policy framework and the immigration provisions of South Africa's 2013 anti-trafficking law to increase prosecutions of traffickers—including complicit officials—and protections for victims and to strengthen prevention efforts. If confirmed, I will work with the State Department's Office to Monitor and Combat Trafficking in Persons and USAID to assist South Africa's prosecutors and investigators in pursuing the perpetrators of this heinous crime.

Question. If confirmed, what concrete steps could you take to help South Africa operationalize the prioritized recommendations contained in the TIP report?

Answer. It is my understanding that South Africa has made progress toward some of the prioritized recommendations in the 2021 U.S. Trafficking in Persons Report, and my early engagements will communicate the centrality to U.S. foreign policy objectives of progress in combatting human trafficking. If I am confirmed, the U.S. Mission under my watch will work closely with experts on human trafficking, including NGOs and international organizations, to encourage increased collaboration between the Government and civil society to ensure that trafficking victims are identified and referred to care; traffickers are vigorously prosecuted; and complicit officials are held accountable.

Question. In the State Department's 2020 International Religious Freedom report, South Africa was identified as lacking societal and governmental respect for religious freedom.

- What is your assessment of this particular issue and if confirmed, how will you work with the Ambassador-at-Large for International Religious Freedom to bolster religious freedom in-country?

Answer. My reading of the report is that South Africa has robust protections for freedom of religion and belief as enshrined in its constitution's bill of rights and safeguarded by its independent judiciary. Some faith-based groups took issue with restrictions placed on religious gatherings in 2020 as part of the Government's COVID–19 response; those restrictions have been lifted. The U.S. Mission also was alarmed by some incidents of antisemitism and engages regularly with civil society and faith-based organizations on confronting hate speech and hate crimes. If confirmed, I will invite the Ambassador-at-Large for International Religious Freedom to visit and observe first-hand the close ties between U.S. and South African faith groups.

Question. If confirmed, do you commit to personally engaging with civil society on this issue?

Answer. Yes.

Question. If confirmed, what concrete steps can you take to help South Africa increase their societal and governmental respect for religious freedom?

Answer. If I am confirmed, my door will remain open to individuals and groups of all faiths. I will engage with the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, which was established by Chapter 9 of South Africa's Constitution as a state institution to support constitutional democracy. If confirmed, I will meet with legal advocacy organizations like Freedom of Religion South Africa and South African Jewish Board of Deputies, and with interdenominational forums like the historical South African Council of Churches. And, if confirmed, I will celebrate religious holidays as a sign of respect for the various faiths that are practiced freely in South Africa.

Question. In the State Department's 2021 Human Rights Report, South Africa was identified as having significant human rights abuses, including torture, violence against minorities, the worst forms of child labor, among others. If confirmed, what steps will you take to address these instances with the host government?

Answer. If confirmed, I will work with the Government and members of the judiciary, prosecuting authority, and civil society to push for accountability, especially for those who are found abusing their office or uniform. Human rights require a strong foundation in the rule of law. If I am confirmed, under my leadership the U.S. Mission will safeguard our shores from bad actors and use all available tools to promote accountability. If confirmed, I will support a free and open press as the fourth pillar of South Africa's democracy, to shine light on abuses and transgressions of the public's trust.

Question. How will you direct Embassy Pretoria to work with civil society organizations to improve the human rights situation on the ground?

Answer. The U.S. Mission in South Africa provides multiple grant opportunities for civil society organizations working on behalf of human rights in South African and across the region. In addition to this funding, if I am confirmed, I will be both visible and vocal in defense of human rights and in support of its advocates. I take inspiration from the moral courage of Ambassador Edward Perkins, who during his appointment to South Africa as the first Black U.S. Ambassador there, from 1986 to 1989, was a visible presence in places of human suffering, including townships, courtrooms, cathedrals, and the graves of children.

Question. The Office of Multilateral Strategy and Personnel (MSP) in the State Department's Bureau of International Organizations is leading a whole-of-government effort to identify, recruit, and install qualified, independent personnel at the United Nations (U.N.), including in elections for specialized bodies like the International Telecommunications Union (ITU). There is an American candidate, Doreen Bodgan-Martin, who if elected would be the first American and first woman to lead the ITU. She is in a tough race that will require early, consistent engagement across capital and within the U.N. member states. If confirmed, do you commit to demarching the South African Government and any other counterparts necessary to encourage their support of Ms. Bogdan-Martin?

Answer. Yes. Ms. Bogdan-Martin's record at the ITU, including her advocacy for qualified professionals from Africa and the developing world and her promotion of principles that align with South Africa's own principles for the ITU, make her a strong candidate. If confirmed, I will advocate for her rigorously with counterparts to secure support for her in the upcoming election for Secretary-General of the ITU, including by demarches. I will underscore that Ms. Bogdan-Martin is the most qualified candidate to advance our shared priorities at the ITU, including promoting universal connectivity that is safe, inclusive, and affordable, as well as strengthening both the ITU's partnerships with stakeholders and its governance and accountability.

Question. If confirmed, how can you work with the Bureau of International Organizations and other stakeholders to identify, recruit, and install qualified Americans in positions like the Junior Program Officer (JPO) program at the U.N.?

Answer. The JPO program is a key opportunity at the U.N. to encourage young professionals interested in serving in international organizations. If confirmed, I will coordinate closely with my colleagues in the International Organization Affairs Bureau and other stakeholders and agencies and consult with Congress to ensure we have sufficient resources, tools, and staffing to support more positions for U.S.-citizen JPOs in the U.N. system. With these resources, we can work strategically to increase the number of JPO opportunities funded by the U.S. Government in key agencies and bodies that work on U.S. priorities and strengthen our competitiveness in placing qualified American citizens into the U.N. system

Question. South Africa has one of the lowest rates of voting coincidence with the U.S. in the U.N. General Assembly and in the Security Council. What is your assessment of this issue?

Answer. The United States considers South Africa an important and strategic partner, but we do not always see eye-to-eye on every issue, including some that come before the U.N. Notably, South Africa staked out a position contrary to ours at important recent UNGA votes that concerned Russia's war on Ukraine. While we disagree strongly with South Africa on this assessment, it is key to understand the reasoning that informs its positions so that we can most effectively engage them on the substance. If confirmed, I will engage with the Government, like-minded missions, civil society, academics, the media, and other stakeholders to advocate for greater cooperation in multilateral forums.

Question. If confirmed, what concrete actions can you take to engage with the South Africans on anticipated votes in the U.N. system that would increase their voting coincidence with the U.S.?

Answer. I believe the most important action to take regarding votes in the U.N. system or other multilateral bodies is robust, frequent, respectful engagement with the Government but also with civil society, academics, the media, and other South African voices. The more we consult our South African friends on the issues we care about—seek their views and, when possible, use their feedback—the more success we will have in this engagement. If confirmed, I intend to use my role as Ambassador to further just this kind of engagement. It is also vital that we work to identify areas where we do or might agree—for instance, issues of stability and security in Mozambique, Ethiopia, and Sudan—and build up our cooperation and diplomatic coordination.

Question. Many U.S. missions have been under enormous stress over the last few years, in large part due to COVID. What is your understanding of morale throughout Mission Pretoria?

Answer. It is my understanding that morale at Mission South Africa is strong, although COVID–19 added to the Mission's challenges, as it did at Posts throughout the world. The team at the U.S. Embassy and three Consulates General in South Africa have done and are doing amazing work under the leadership of Chargé d'Affaires Heather Merritt and, before her, Chargé d'Affaires Todd Haskell.

Question. How do you intend to improve morale at Mission Pretoria?

Answer. If confirmed, I look forward to joining a team that is already functioning at a high level. From the start, however, I will listen to the views of everyone at the Mission and address any concerns about morale, platform requirements, or workforce posture.

Question. How do you intend to create a unified mission and vision at Mission Pretoria?

Answer. All leadership begins with vision. I have practiced this principle in every significant leadership post I have held, to include my last Ambassadorship at the U.S. Mission to the African Union. As I stated in my oral testimony before the committee, if confirmed, I will dedicate Mission South Africa to practicing "Ubuntu Diplomacy," whereby we will at every opportunity engage our South African interlocutors and Mission members on a basis of mutual respect and shared dignity even as we advance U.S. interests. Through policy, practice, and my personal example, we will ensure that we are treating all members of Mission South Africa with dignity and respect as we play our respective roles in the life and work of the Embassy.

Question. Management is a key responsibility for Chiefs of Mission. How would you describe your management style?

Answer. My management style is one of "empowered accountability." I believe strongly in making clear to the team the broad objectives we are trying to achieve, delegating those tasks to the lowest possible level of responsibility, empowering team members through resources and authority to accomplish those objectives, holding them accountable for doing so, and generously sharing praise for successful outcomes. I lead my teams on the basis of following "The Three C's: Competence, Collegiality and Commitment." If confirmed, I will share this philosophy with the Country Team and Mission staff at every turn, such that it becomes our culture of doing business in Mission South Africa.

Question. Do you believe it is ever acceptable or constructive to berate subordinates, either in public or private?

Answer. No.

Question. How do you envision your leadership relationship with your Deputy Chief of Mission?

Answer. The relationship between the Ambassador and the DCM is the most important in the Mission. If it does not work, the Mission will not work. While serving as U.S. Ambassador to the African Union, I had a very strong and productive working relationship with my DCM, based on mutual respect and complementary skill sets. I expected her to be able to tell me anything, especially hard news I needed to hear about the mission or about myself. The current DCM in Embassy Pretoria, Heather Merritt, is a highly experienced career diplomat. I expect that I will have a strong, productive, and collegial relationship with her.

Question. If confirmed, what leadership responsibilities do you intend to entrust to your Deputy Chief of Mission?

Answer. Broadly speaking, if confirmed, I expect that the DCM will oversee all management issues within the Mission, while I engage in high-level diplomatic and representational tasks with the Government and people of South Africa. At times, those roles might have to be reversed. For example, in the event of a sensitive personnel matter, it might be appropriate for the Ambassador to deliver the message. When the Ambassador is away from post, the DCM would need to carry out high-level diplomatic or representational functions. If confirmed, however, I will in general delegate routine management and personnel issues within the Mission to the DCM while I focus my efforts on engagement with the Government and people of South Africa.

Question. In order to create and continue employee excellence at the Department, accurate and direct employee evaluation reports (EERs) for Foreign Service Officers are imperative, though often lacking. Do you believe that it is important to provide

employees with accurate, constructive feedback on their performances in order to encourage improvement and reward those who most succeeded in their roles?

Answer. Yes.

Question. If confirmed, would you support and encourage clear, accurate, and direct feedback to employees in order to improve performance and reward high achievers?

Answer. Yes.

Question. It is imperative that U.S. diplomats get outside of posts abroad to meet with local actors, including host government officials, non-government organizations, and fellow foreign diplomats stationed in South Africa.

Answer. I agree.

Question. In your opinion, do U.S. diplomats get outside of our embassy walls enough to accomplish fully their missions?

Answer. Yes. I understand that U.S. diplomats at our Embassy and three Consulates General in South Africa travel widely throughout the country in the course of their work.

Question. How do you intend to improve the ability of U.S. diplomats to better access all local populations?

Answer. It is my understanding that the team at Mission South Africa robustly engages local populations across all of South Africa and at all levels of society. With that said, if confirmed, I look forward to hearing the views of the team on how we can not only ensure that this engagement continues but identify any blind spots that would benefit from greater attention. I understand, for instance, that local audiences, especially those in rural communities, can be a specific engagement challenge because they generally engage only at the local level. If confirmed, I will actively solicit ideas from both inside and outside the Mission on how to engage our priority audiences in order to advance U.S. interests.

Question. Public diplomacy is an important aspect of U.S. foreign policy efforts. What is the public diplomacy environment like in the South Africa?

Answer. South Africa features one of the most complex public diplomacy environments in Africa—not to mention the world. Relatively advanced development and infrastructure created a media landscape and university network that stand comparably with other modern democracies. Persistent unemployment and income inequality, however, prevent large segments of the population from accessing those resources. As in any vibrant, multifaceted democracy, South African citizens do not fit in boxes, and our communication and outreach strategies need to be similarly nuanced and complex.

Question. What public diplomacy challenges do U.S. diplomats face there?

Answer. The complexity of the South African public diplomacy environment means that one-size-fits-all approaches generally fail. On a straightforward uncontroversial issue, such as use of antiretroviral treatments to control HIV infection, a broad-based information campaign might serve to advance U.S. interests. But on more sensitive issues, such as the nation's transition to renewable energy, a more nuanced and egalitarian approach is required—one that invites constructive conversations with a broad range of South African audiences. If confirmed, I will work to ensure that our outreach remains tailored to the needs of audiences from different economic, geographic, religious, and ethnic backgrounds.

Question. How do you balance the importance of Main State versus the in-country mission when it comes to tailoring public diplomacy messages for foreign audiences?

Answer. Carefully analyzing which voice is most appropriate in which context is important. For a sensitive foreign policy issue—such as one on which the U.S. and South African governments do not agree—strategic public statements or interviews by Washington-based officials might afford in-country officials diplomatic space to advance U.S. interests. On issues where our countries generally agree, alternating engagements by Washington and in-country officials can strengthen the U.S. position without exhausting South African audiences with the same voice.

Question. "Anomalous health incidents," commonly referred to as "Havana Syndrome,"[1] have been debilitating and sidelining U.S. diplomats around the world for years. They have caused serious, negative consequences for U.S. diplomacy, yet many believe that the Department is not doing enough to care for, protect, and communicate to its personnel. The past occurrences and ongoing threat of anomalous health incidents among embassy personnel and their families poses a serious chal-

lenge to morale. When personnel at post fear for their safety or doubt that their case will be taken seriously if they were affected, the performance of embassy operations can suffer. If confirmed, do you commit to taking this threat seriously?

Answer. Yes. I am deeply troubled by potential anomalous health incidents that have affected U.S. Government personnel and their family members. Serving one's country overseas should not come at the cost of one's health. I agree that such incidents may pose a threat to the wellbeing of U.S. personnel and must be taken extremely seriously. If confirmed, the health, safety, and security of Embassy Pretoria staff, their family members, and all those supporting the Mission will be my highest priority.

Question. If confirmed, do you commit to talking as openly as you can to Mission Pretoria personnel?

Answer. If confirmed, I am committed to regularly share new information on this issue consistent with ensuring the integrity of ongoing investigations.

Question. Have you received a briefing on the anomalous health incidents that have occurred to U.S. Government personnel around the world, including at U.S. embassies and other diplomatic posts? If you have not, and if you are confirmed, do you commit to receiving a briefing on the incidents before you depart for your post?

Answer. Yes, I commit to participating in the briefing on Anomalous Health Incidents, including in the Ambassadorial seminar, and will seek further information in unclassified and classified meetings with the Coordinator of the State Department's Health Incident Response Task Force as well as relevant bureaus including Diplomatic Security and Intelligence and Research.

Question. In the event of an anomalous health incident among your embassy personnel or eligible family members, do you commit to maintain detailed records of the incident, and share the information with the State Department and other embassies to contribute to the investigation of how these attacks are affecting U.S. missions and personnel around the world?

Answer. If confirmed, I commit to engaging in the ongoing investigation into circumstances surrounding the unexplained health incidents. The Department continues to work in coordination with interagency partners on determining what happened to our staff and their families and to ensure their well-being and health going forward. There is no higher priority than the safety and security of our U.S. personnel, their families, and U.S. citizens.

Question. Whether or not anomalous health incidents occur at your embassy, how will you work to restore and preserve morale that may be lost due to the knowledge these attacks have been occurring at posts around the world?

Answer. If confirmed, I commit to being open with my staff about what I know; I commit to taking seriously any report of an employee being harmed or under threat, whether that is related to anomalous health incidents or not; and I commit to keeping an open door so that my staff entrust me with any concerns that affect their morale. I also commit to speaking with my staff regularly about the Embassy's mission, to ensure that they know how their work fits into the bigger picture. I believe that a team's morale is best served by every member of that team understanding the way in which his or her work matters, and by every member of the team knowing that their leaders have their backs and care sincerely about their well-being.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. REUBEN E. BRIGETY II BY SENATOR JEANNE SHAHEEN

Question. If confirmed, will you commit to attending the Ambassadorial seminar session on AHIs and seek a classified briefing with State Department?

Answer. I commit to participating in all aspects of the Ambassadorial seminar, including the briefing on Anomalous Health Incidents, and will seek further information in unclassified and classified meetings with the Coordinator of the State Department's Health Incident Response Task Force as well as relevant bureaus including Diplomatic Security and Intelligence and Research.

Question. If an incident occurs, please assure that you will do everything in your power to prioritize the health, treatment and safety of our diplomats?

Answer. If confirmed as Ambassador to South Africa, I will make the health and safety of my staff my top priority. If confirmed, I will also commit to ensuring all reported incidents at Mission South Africa are treated seriously and quickly reported through the appropriate channels. I will ensure that any affected individuals receive prompt access to treatment and medical care.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. REUBEN E. BRIGETY II BY SENATOR MARCO RUBIO

Question. At six Confucius Institutes and five Confucius classrooms, South Africa holds the largest number of Chinese Communist Party-controlled educational institutions in the continent. Confucius Institutes are an insidious tool to inculcate college and high school students with the CCP's propaganda and worldview. Leaving these institutes unopposed risks creating national elites in other countries that will work against American interests. Do you believe Confucius Institutes are a threat to U.S. national security due to the fact they are funded by the PRC Ministry of Education and are part of the CCP's broader United Front influence efforts?

Answer. I consider Confucius Institutes to be part of Beijing's global "soft power" influence efforts, which often serve to advance interests contrary to our own. And the South African public is savvy when it comes to PRC influence across the country. The U.S. Mission to South Africa hosts nine American Spaces and nine University Partnerships throughout the country. We use these platforms and partnerships to advocate for U.S. values, norms, entrepreneurship, good governance, and academic rigor. These are key to countering the PRC "soft" influence in the country.

Question. If confirmed, what will you do to encourage the Government of South Africa to ban Confucius Institutes, or at least impose serious oversight over their activities?

Answer. If confirmed, I will encourage the South African Government and academic institutions to review their relationships with PRC-affiliated organizations, including Confucius Institutes, to ensure that these organizations are operating transparently and in the best interests of the people of South Africa. If confirmed, I will explore whether countering their influence requires additional resources to bolster the U.S. presence across the country.

Question. You served as the Dean of George Washington University's Elliott School of International Affairs from 2015 to 2020. During that time, GWU hosted a Confucius Institute. That Confucius Institute only shut down in 2021, after you left your position as Dean. Did you oppose the presence of a Confucius Institute on GW's campus while you were Dean at any point? If so, when?

Answer. Yes, I did. I expressed my concerns about GW's Confucius Institute to former GW President Steven Knapp on at least one occasion by my recollection, likely sometime in 2016.

Question. In 2018, you spoke at an event hosted by a Confucius Institute on Chinese engagement with Africa. This was well after numerous publications, including the Forbes, the Wall Street Journal, The Economist and the Diplomat, all have written about the threat posed by these institutions to academic freedom and the role they play in the party's overseas propaganda strategy. Why, then, did you agree to speak at a Confucius Institute Event?

Answer. Diplomacy is about engagement, even—or at times, especially—with adversaries. This is true in formal government-to-government diplomacy, public diplomacy, and Track II diplomacy. Speaking at an event sponsored by the Confucius Institute and making a strenuous case for American values and interests in Africa—as I did on this occasion as a private citizen—was an appropriate and effective engagement.

Question. At this China-Africa-U.S. Engagement Dialogue event hosted by the Confucius Institute U.S. Center, you said that you believed that there might be ways that the United States and China could work together to advance the interests of African nations. Seeing the poisonous influence of the CCP across Africa in the past few years, have your views changed on the potential for U.S.-PRC cooperation in Africa?

Answer. My comments about U.S.-PRC cooperation in Africa were rooted in my experience of the multilateral cooperation of many nations—including China—to combat the 2014 Ebola outbreak when I served as the U.S. Ambassador to the African Union. There are some issues—notably global health security and climate

change—that require the broad cooperation of all nations, regardless of geopolitical interests. Deadly pathogens, for example, do not respect boundaries (as the novel coronavirus that originated in China showed). Cooperating on such transnational threats is appropriate even as we work assiduously to constrain Chinese ambitions in other areas that are hostile to our values and interests.

Question. If confirmed, how will you be a credible voice warning of the dangers of Chinese influence in Africa, given your past support and statements in favor of U.S. cooperation with the CCP?

Answer. I have a long track record, both as a government official and as a private citizen, of warning about and working against malign Chinese influence in Africa. If confirmed, I will continue to challenge Chinese influence in Africa—and in South Africa in particular—even as I advance American interests and promote American values.

Question. South Africa's ruling political party-the African National Congress-has particularly strong relations with the CCP. The ANC is part of the "Former Liberation Movements of Southern Africa," along with the ruling parties of Angola, Mozambique, Namibia, Tanzania, and Zimbabwe. The CCP regularly trains cadres from the ANC and built a political training academy in the country. The party's current national chairperson once said "the Chinese Communist Party's ruling experience and party building theory merits the ANC's study and to be used as a reference," and South African's current President Cyril Ramaphosa said that the ANC "gained so much" from party-to-party trainings. Ramaphosa has also defended Huawei and other CCP-directed firms. South Africa also conducted a trilateral naval exercise with Russia and China. How will you use your influence to educate the ANC on the threat the CCP poses to Africa?

Answer. As you note, the African National Congress has long historical ties to the Chinese Communist Party as well as other adversaries of the United States, including the Russian Government. Nonetheless, South Africa is a strong constitutional democracy with a developed economy, unhampered press freedom, and an independent judiciary; these factors blunt the PRC's ability to unduly extend their influence. If confirmed, I will engage robustly not only with the ANC but with all counterparts to emphasize the negative effects of Chinese malign behavior, for instance by highlighting Huawei's negative hiring practices, an issue that has recently drawn critical attention to the company among the public.

Question. In 2017, you wrote a piece in the immediate aftermath of the Charlottesville "March to Unite the Right" rally in which you called President Trump the "Nazi-in-Chief" and a "unreconstructed racist." You then proceeded to question the honor of anyone that occupies "political positions of great responsibility" who continues to remain in office while President Trump is in office. You have since apologized for some of your unfortunate word choices, but the incident still raises questions about your ability to keep cool in charged situations. You issued an apology for your words nearly three years after initially writing them. Why did it take you so long to realize the mistake you made?

Answer. Following years of prayer and reflection, my apologies for the language I used about President Trump following the events in Charlottesville were genuine. I believe that much of American public life would be improved if more people sincerely apologized when they made inappropriate statements. While I apologize for the language I used about President Trump, I maintain that the former President's remarks—stating that there were "very fine people" among the violent neo-Nazis and white supremacists who organized and executed the Charlottesville riot—were reprehensible and inexcusable. It is incumbent on all Americans of goodwill, regardless of party, to stand firmly against violent racism of every kind and in every instance.

Question. If confirmed as Ambassador to South Africa, how can this committee remain sure that you will not write or say something while representing the United States that you will later regret?

Answer. I have a long track record of demonstrating restraint and sound judgment in a wide variety of difficult circumstances. The events of Charlottesville were a unique provocation in modern American history. Men marching with torches in the middle of the night, chanting racist slogans, and perpetrating violence in the name of racial hatred, recalled a dark history that we as a country thought was behind us—including in my family's long, multigenerational history in my beloved home state of Florida. Nevertheless, my response to this incident only reinforced to me Dr. King's admonition: "Darkness cannot drive out darkness, only light can do that. Hate cannot drive out hate, only love can do that." I learned an invaluable

lesson and I will redouble my efforts to respond always to provocation with dignity and grace.

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FOLLOW UP QUESTIONS SUBMITTED TO
HON. REUBEN E. BRIGETY II BY SENATOR RUBIO

Question. Following my question for the record dated May 24, 2022, "You served as the Dean of George Washington University's Elliott School of International Affairs from 2015 to 2020. During that time, GWU hosted a Confucius Institute. That Confucius Institute only shut down in 2021, after you left your position as Dean. Did you oppose the presence of a Confucius Institute on GW's campus while you were Dean at any point? If so, when?" you responded, "Yes, I did. I expressed my concerns about GW's Confucius Institute to former GW President Steven Knapp on at least one occasion by my recollection, likely sometime in 2016."

- If you had concerns about Confucius Institutes in 2016, why did you speak at one in 2018?

Answer. I believe that diplomacy, whether formal or Track II, requires engagement. This is true with both allies and adversaries. President Ronald Reagan held multiple direct engagements with Mikhail Gorbachev, then General Secretary of the Communist Party of the Soviet Union, in the final years of the Cold War. Thus, my engagement with a Confucius Institute at the time as Dean of George Washington University's Elliott School of International Affairs was part of a long, bipartisan tradition of American officials and citizens engaging foreign counterparts with different values and views. Since 2018, including through the Senate's bipartisan research, we have learned more about China's efforts to influence American public opinion through Confucius Institutes on college campuses. I would not participate in this particular engagement if asked today. I would instead seek out other ways to engage with Chinese counterparts.

Question. Have you had any communications with a Confucius Institute since 2018? If so, please explain the nature of the communication(s).

Answer. No, I have not.

Question. If invited, would you speak at a Confucius Institute again?

Answer. No, I would not speak at a Confucius Institute again. As I stated above, since 2018, including through the Senate's bipartisan research, we have learned more about China's efforts to influence American public opinion through Confucius Institutes on college campuses. I would not participate in this particular engagement if asked today. I would instead seek out other ways to engage with Chinese counterparts.

Question. What is the greatest risk posed to U.S. interests in Africa today? Is it the CCP? Why or why not?

Answer. The CCP's efforts to advance the PRC's political and economic influence in Africa indeed pose a risk to U.S. interests, but I would argue that it is one of a complex set of overlapping threats. Russia's actions on the continent, whether through diplomatic and economic channels or by the Kremlin-backed Wagner Group, similarly pose a threat not only to U.S. interests but to the stability, security, and economic interests of multiple African states. Violent extremism in multiple parts of Africa is a perennial threat to the stability of our partners and the lives and well-being of many Africans. The way to address these risks is by continuing the Biden-Harris administration's policy of increasing the frequency, range, and caliber of U.S. engagement with African governments, political parties, and business communities. The quality and quantity of our diplomatic and economic engagement is essential to countering CCP inroads in Africa and other risks to U.S. interests.

Question. How does the threat of the CCP compare to the threat of climate change or Islamic terrorism to U.S. interests?

Answer. Climate change is an existential threat to all humanity that transcends geopolitical interests and ideological differences. While the terrorist threat in Africa persists, over the last two decades the United States has achieved many successes by working with African partners across the continent

to identify and neutralize terrorist cells, benefiting both U.S. and African interests.

The political engagement of the CCP with African political parties represents a clear threat to U.S. interests, one that risks undermining progress on democracy and prosperity. Beijing's vision would move us away from the values that have sustained so much of the world's progress over the past 75 years. A central component of the U.S. approach in Africa must be engagement with African partners—engagement that advances democratic ideals and practices, by demonstrating the benefits of stable democracy and the rules-based international order and by challenging the PRC's false narratives.

Question. In your response to my question for the record dated May 24, 2022 was, "At this China-Africa-U.S. Engagement Dialogue event hosted by the Confucius Institute U.S. Center, you said that you believed that there might be ways that the United States and China could work together to advance the interests of African nations. Seeing the poisonous influence of the CCP across Africa in the past few years, have your views changed on the potential for U.S.-PRC cooperation in Africa?" you responded, "My comments about U.S.-PRC cooperation in Africa were rooted in my experience of the multilateral cooperation of many nations—including China—to combat the 2014 Ebola outbreak when I served as the U.S. Ambassador to the African Union. There are some issues—notably global health security and climate change—that require the broad cooperation of all nations, regardless of geopolitical interests. Deadly pathogens, for example, do not respect boundaries (as the novel coronavirus that originated in China showed). Cooperating on such transnational threats is appropriate even as we work assiduously to constrain Chinese ambitions in other areas that are hostile to our values and interests."

- What should Washington and Beijing be cooperating on in the African context?

Answer. As stated earlier, climate change is an existential threat to all humanity that transcends geopolitical interests and ideological differences. Finding a constructive way to engage the PRC, the second-largest economy in the world and the largest greenhouse gas emitter on the planet, is necessary in countering this threat, notwithstanding our strategic competition with the PRC. Working on climate issues is one area in which Washington and Beijing should be cooperating in Africa.

Question. Does Beijing's cover up of its responsibility for the novel coronavirus change your view on the merits of seeking cooperation with the CCP?

Answer. My experience in working with my PRC counterpart during the 2014 Ebola crisis was productive. As a result, despite Beijing's lack of transparency about the origins of the novel coronavirus, I believe working with the PRC on global health issues remains an important area of cooperation. However, it is important that the U.S. Government be clear-eyed about health engagements with the PRC to ensure transparency and that any cooperation is clearly in the interest of the United States.

Question. In your response to my question for the record dated May 24, 2022,"South Africa's ruling political party—the African National Congress—has particularly strong relations with the CCP. The CCP regularly trains cadres from the ANC and built a political training academy in the country. The party's current national chairperson once said"the Chinese Communist Party's ruling experience and party building theory merits the ANC's study and to be used as a reference," and South African's current President Cyril Ramaphosa said that the ANC "gained so much" from party-to-party trainings. Ramaphosa has also defended Huawei and other CCP-directed firms. How will you use your influence to educate the ANC on the threat the CCP poses to Africa?" you responded "As you note, the African National Congress has long historical ties to the Chinese Communist Party as well as other adversaries of the United States, including the Russian Government. Nonetheless, South Africa is a strong constitutional democracy with a developed economy, unhampered press freedom, and an independent judiciary; these factors blunt the PRC's ability to unduly extend their influence. If confirmed, I will engage robustly not only with the ANC but with all counterparts to emphasize the negative effects of Chinese malign behavior, for instance by highlighting Huawei's negative hiring practices . . ."

- In your view, what is the purpose of the CCP's party-to-party training and exchange programs with African partners?

Answer. It is clear to me that the purpose of such exchanges is to strengthen PRC influence in the domestic governance and foreign policy of South Africa.

Question. Is the ANC susceptible to the CCP's message during these trainings?

Answer. The ANC is a "big tent" organization with many competing factions and viewpoints. The CCP's messaging certainly appeals to some portion of the ANC. As I wrote before, the way to counter this messaging is sustained, on-the-ground engagement by the United States to ensure that the ANC and other South African political parties engage with political perspectives rooted in Western political values.

Question. What would you do to counter the CCP's party-to-party engagements with the ANC?

Answer. I would strongly encourage engagement by organs of the National Endowment for Democracy—principally the International Republican Institute and the National Democratic Institute—to develop and host similar party-to-party engagements with the ANC and with other South African political parties.

Question. In addition to Huawei's "negative hiring practices," what are some other risks Huawei poses to South Africa as well as Africa more broadly?

Answer. Huawei's efforts to monopolize telecommunications networks pose a number of risks to American and South African interests, including compromising data security and sovereignty. The use of Huawei's networks for active cyber espionage is also a very real threat.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. MICHAEL BATTLE BY SENATOR ROBERT MENENDEZ

Question. During former President John Magafuli's tenure there was significant democratic backsliding in Tanzania. Under President Hassan's leadership, there appears to be an opportunity for progress in the areas of democracy and human rights. What programs and activities are currently underway to support democratic freedoms and good governance in Tanzania? What additional actions should the U.S. take? What concrete actions will you take to support democracy and good governance if confirmed?

Answer. The United States currently supports democratic strengthening and good governance in Tanzania through several programs administered by the State Department's Bureau of Democracy, Human Rights, and Labor; USAID; and Embassy Dar es Salaam. If confirmed, I will continue these programs to support democracy, respect for human rights, and good governance. I will also take advantage of the opening created by President Hassan's ascension to power to make further progress on democracy and human rights, leveraging the full USG toolbox of inducements and disincentives, including the Millennium Challenge Corporation eligibility process, the AGOA eligibility review process, and the section 7031(a) direct government-to-government assistance eligibility review process.

Question. What tools does the U.S. have to build the capacity and enhance the resilience of the media in Tanzania? If confirmed, what steps will you take to support media freedom in Tanzania?

Answer. The U.S. Government supports journalists, media houses, and community radio operators across Tanzania to improve their ability to convey accurate and impartial information. Over the past five years, USAID has provided more than $10 million through its Boresha Habari (Improve the News) program. Embassy Dar es Salaam's Public Affairs Section also supports media professionalization through trainings, speakers, and its small grants program. If confirmed, I will work with U.S. academic institutions with strong mass media degree programs to assist Tanzanian media on both the hard and soft skills in media production, dissemination, and preservation. I will also encourage more access to training in media research opportunities offered by U.S. academic institutions.

Question. If confirmed, do you commit to keeping the committee up to date on the progress of advancing political freedoms and protections for journalist in Tanzania?

Answer. Yes. If confirmed, I commit to keeping the committee up to date on the progress of advancing political freedoms and protections for journalists in Tanzania.

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. Some of the biggest obstacles to democratic progress in Tanzania are laws and regulations adopted under former President Magufuli that remain enforced, including the Media Services Act, the Political Parties Act, the 2020 Electronic and Postal Communications (Online Content) Regulations, and the 2020 NGO Guidelines that remain in effect. Other obstacles include continued lack of accountability for 2020 election-related violence.

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 prioritize strengthening civil society, the media, political parties, and democratic institutions to assist the Tanzanian people in advocating for democratic reform and resisting future attacks on their political and 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 Tanzania? 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 meet regularly with both U.S. and Tanzanian civil society members, human rights organizations, and other non-governmental organizations. I will advocate for Tanzanian civil society's independence and help protect it from undue restrictions and penalization by engaging the Tanzanian Government and by providing U.S. training and resources to help civil society protect itself.

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 commit to meet regularly democratically oriented leaders in both the ruling party and opposition parties. I will encourage genuine political competition and seek to direct resources and support to those democratic institutions that promote a level playing field for political competition. I will advocate for Tanzania to further its already admirable progress in making political parties and public life more accessible and inclusive for women, minorities, and youth.

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? Will you commit to meeting regularly with independent, local press in Tanzania?

Answer. If confirmed, I will actively engage Tanzania on freedom of expression, including for members of the press. I will raise concerns about any government effort to control or undermine press freedom through legal, regulatory, or other measures. I will also ensure my team supports critical legal and regulatory efforts to enshrine, protect, and expand media and press freedoms, as well as access to the Internet. I commit to meeting regularly with the independent local press.

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. If confirmed, I commit to fully brief members of Congress and staff each time I am in Washington for visits or consultations.

Question. I am very concerned about directed energy attacks on U.S. Government personnel (so-called Anomalous Health Incidents). Ensuring the safety and security of our personnel abroad falls largely on individual Chiefs of Mission and the response of officers at post. It is imperative that any individual who reports a suspected incident be responded to promptly, equitably, and compassionately. Do you agree these incidents must be taken seriously, and pose a threat to the health of U.S. personnel?

Answer. I am deeply concerned by potential anomalous health incidents impacting U.S. Government personnel and their family members. These incidents affect the well-being of U.S. personnel serving their country abroad and must be taken extremely seriously. If confirmed, I will make the health and safety of my staff my top priority, including contributing to the extensive, ongoing interagency investigation into the cause of these incidents and how we can best protect our people. If confirmed, the health, safety, and security of embassy staff, their family members, and all those supporting the mission will be my highest priority.

Question. If confirmed, do you commit to ensuring that any reported incident is treated seriously and reported quickly through the appropriate channels, and that any affected individuals receive prompt access to medical care?

Answer. If confirmed, I commit to ensuring that all reported potential anomalous health incidents are given serious attention and reported swiftly through the appropriate channels. I will also ensure that staff who are affected by these incidents receive prompt access to needed treatment, support, and medical care.

Question. Do you commit to meeting with medical staff and the RSO at post to discuss any past reported incidents and ensure that all protocols are being followed?

Answer. If confirmed, I commit to meeting embassy medical staff and the RSO to discuss any reported anomalous health incidents and will ensure that all protocols are being followed.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. MICHAEL BATTLE BY SENATOR JAMES E. RISCH

Question. How do you assess Tanzanian President Samia Suluhu Hassan's role in eroding the country's democratic institutions and suppressing opposition voices and democratic actors while she served as Vice President of United Republic of Tanzania under the Administration of President John Pombe Magufuli? Please explain.

Answer. As former President Magufuli's vice president, President Hassan publicly supported many of his anti-democratic policies but does not appear to have had much influence over policy-making at that time.

Question. Do you assess that President Hassan bears any responsibility for the anti-democratic actions and rights abuses that occurred under the previous president?

Answer. During her service as former President Magufuli's vice president, President Hassan shared responsibility for the shrinking of democratic and civil society space, limits on media freedom, and the rise in politically motivated violence.

Question. As U.S. Ambassador to Tanzania, how will you engage the Administration of President Hassan on continued democratic, economic, and political reforms, particularly as Tanzania approaches elections in 2025?

Answer. If confirmed, I will work constructively with President Hassan's administration to build a political environment that protects democratic institutions, civil and political rights, and human rights. I believe there is an opportunity to do so by supporting reconciliation between the ruling party and opposition parties and their ongoing efforts to pursue political reforms, including within the framework of the Tanzania Center for Democracy.

Question. In November 2020, I published a Senate Foreign Relations Committee majority report entitled "The United States and Europe: A Concrete Agenda for Transatlantic Cooperation on China." The report gave several recommendations for increased transatlantic cooperation, including on Africa, to counter malign Chinese influence more effectively. In what ways should the United States partner with European countries to build on likeminded interests in Tanzania and counter the influence of China and other malign actors?

Answer. I agree with your assertion in "The United States and Europe: A Concrete Agenda for Transatlantic Cooperation on China" that both the United States and Europe must recognize the strategically important role Africa plays in the world and strengthen their partnerships with the continent. Together with Europe, we should encourage Tanzania to pursue policies that support Tanzanian interests and are in accordance with the rules-based international order. Tanzania has a special relationship with the PRC that goes back to before its independence, but that does not mean we cannot work with our likeminded partners to help Tanzania offer a

level playing field for business, protect its own sovereignty, combat disinformation, and support democratic values enshrined in Tanzania's constitution.

Question. Given your prior experience supporting planning and execution of the 1st U.S. Africa Leaders Summit in 2014 under the Obama administration, what recommendations would you give ahead of the 2nd planned U.S. Africa Leaders Summit that the Biden administration has committed to holding this year?

Answer. I recommend the State Department engage Africans, both through their embassies in Washington and in capitals, to understand what African countries would like from the summit. The summit should mutually benefit both the United State and Africa. The summit agenda should include a discussion on how the United States can most effectively partner with Africa to reach the goals of Africa 2063. I recommend the President have a cabinet-level meeting on the summit agenda to show the importance and respect we have for our partnership with Africa. I would also suggest engagement with the African diaspora and civil society in advance of and during the summit. Finally, former U.S. Presidents and First Ladies should be invited to a session of the summit.

Question. In the State Department's 2021 Trafficking in Persons Report (TIP), Tanzania remained Tier 2 Watch List for the third consecutive year for mismatched efforts to meet the minimum standards to eliminate trafficking. How will you work with the Tanzanians to address these issues if you are confirmed as Ambassador?

Answer. I commit to working with the Government of Tanzania to combat trafficking in persons. If confirmed, I will focus on supporting our existing efforts to help Tanzania provide specialized skills training for prosecutors and law enforcement, address the lack of coordination and appropriate levels of funding within the Government, and strengthen comprehensive victim and witness protection. I will also impress on Tanzanian policymakers the consequences to our bilateral relationship of failing to make sufficient effort to combat trafficking in persons.

Question. If confirmed, what concrete steps could you take to help Tanzania operationalize the prioritized recommendations contained in the TIP Report, including implementing their national plan to enhance anti-trafficking efforts?

Answer. If confirmed, I am committed to engaging the Government of Tanzania to encourage concrete progress on the TIP report recommendations. I will encourage the prioritization of resources, both funding and personnel, to implement their recently finalized 2021-2024 national action plan. I will work closely with the Office to Monitor and Combat Trafficking in Persons to build on existing efforts to combat trafficking in Tanzania.

Question. In the State Department's 2020 International Religious Freedom report, Tanzania was identified as having serious abuses of religious freedom and an overall lack of societal respect. What is your assessment of this particular issue and if confirmed, how will you work with the Ambassador-at-Large for International Religious Freedom to bolster religious freedom in-country?

Answer. If confirmed, I pledge to continue the U.S. Embassy's good work in bringing together youth leaders and religious and community leaders to discuss local concerns around violent extremism related to religion and conflict. I will work closely with Ambassador-at-Large for International Religious Freedom Rashad Hussain to build on existing efforts to promote religious freedom and combat intolerance in Tanzania and around the world.

Question. If confirmed, do you commit to personally engaging with civil society on this issue?

Answer. Yes, I commit to personally engaging with civil society, including religious minorities, on religious freedom and ways to make progress on this vital issue.

Question. If confirmed, what concrete steps can you take to help Tanzania increase their societal and governmental respect for religious freedom?

Answer. If confirmed, I intend to engage the Tanzanian Government at the highest levels on the importance of governmental respect for religious freedom and will redouble U.S. Embassy efforts to engage the Tanzanian people on the subject of religious pluralism and tolerance in Tanzania.

Question. In the State Department's 2021 Human Rights Report, Tanzania was identified as having significant human rights abuses, including government sponsored enforced disappearance, arbitrary arrest and detention, violence against journalists, and more. If confirmed, what steps will you take to address these instances with the host government?

Answer. If confirmed, I will make clear that improvement in bilateral relations is contingent on a further improvement in the Tanzanian Government's respect for human rights. I hope to use this unique moment to strengthen our bilateral relationship at all levels and to help the Government commit to and put into action a plan to increase respect for human rights. I will leverage the full USG toolbox of inducements and disincentives, including the Millennium Challenge Corporation eligibility process, the AGOA eligibility review process, and the section 7031(a) direct government-to-government assistance eligibility review process.

Question. How will you direct Embassy Dar es Salaam to work with civil society organizations to improve the human rights situation on the ground?

Answer. If confirmed, I will begin by using our diplomacy, programming, and partnerships to shore up civil society organizations that have been under attack for the past several years. Civil society organizations play an integral role in furthering democracy and human rights in all countries. A strong, resilient civil society is indispensable to improving the human rights situation in Tanzania.

Question. The Office of Multilateral Strategy and Personnel (MSP) in the State Department's Bureau of International Organizations is leading a whole-of-government effort to identify, recruit, and install qualified, independent personnel at the United Nations (U.N.), including in elections for specialized bodies like the International Telecommunications Union (ITU). There is an American candidate, Doreen Bodgan-Martin, who if elected would be the first American and first woman to lead the ITU. She is in a tough race that will require early, consistent engagement across capital and within the U.N. member states. If confirmed, do you commit to demarching the Tanzanian Government and any other counterparts necessary to encourage their support of Ms. Bogdan-Martin?

Answer. Yes, if confirmed, I commit to demarching the Tanzanian Government and any other counterparts necessary to encourage their support of Ms. Bogdan-Martin.

Question. If confirmed, how can you work with the Bureau of International Organizations and other stakeholders to identify, recruit, and install qualified Americans in positions like the Junior Program Officer (JPO) program at the U.N.?

Answer. If confirmed, I will coordinate closely with the International Organization Affairs Bureau and other stakeholder bureaus and agencies and consult with Congress to ensure we have sufficient resources, tools, and staffing to support more positions for American citizen JPOs in the U.N. system. With these resources, we can work strategically to increase the JPO opportunities funded by the U.S. Government in key agencies and bodies that work on U.S. priorities, expand our recruitment and outreach activities to ensure these opportunities are widely known and available to interested U.S. citizens, and provide tools and services to strengthen our competitiveness in placing qualified American citizens into the U.N. system.

Question. Many U.S. missions have been under enormous stress over the last few years, in large part due to COVID. What is your understanding of morale throughout Mission Dar es Salaam?

Answer. The COVID–19 denial of the former president and the lack of data about the local effects of the pandemic negatively affected morale in the mission. Nevertheless, the community at our Embassy in Tanzania was strong and resilient.

Question. How do you intend to improve morale at Mission Dar es Salaam?

Answer. If confirmed, I will work with staff at all levels to review and implement the mission, vision and plan, consistent with guidance from the Africa Bureau. I will ensure that my DCM and senior staff focus on ensuring that all employees—including entry-level officers, locally employed staff, and eligible family members—are respected, have meaningful work to do, and feel like full and valued members of the Embassy community.

Question. How do you intend to create a unified mission and vision at Mission Dar es Salaam?

Answer. In all of my previous work in and outside of the Government I have found that a unified mission and vision emerge most strongly when there is shared and intentional inclusion in the shaping of the mission and vision. If confirmed, I will foster, encourage, and demonstrate mutual and vested interest in our shared efforts and responsibilities.

Question. Management is a key responsibility for Chiefs of Mission. How would you describe your management style?

Answer. My management style centers around collaboration and cooperation while respecting and reserving direct commands for the extremely few times exigency requires them. If confirmed, I will fully empower my staff to fulfill their roles while encouraging collaboration across sectors of the Embassy.

Question. Do you believe it is ever acceptable or constructive to berate subordinates, either in public or private?

Answer. It is never acceptable or constructive to berate subordinates.

Question. How do you envision your leadership relationship with your Deputy Chief of Mission?

Answer. If confirmed, I will work to develop the kind of relationship with my DCM that will encourage and inspire the DCM to see his or her next job as a chief of mission. The relationship will be one of developed trust, confidence, and shared interests in the individual and collective success of the mission.

Question. If confirmed, what leadership responsibilities do you intend to entrust to your Deputy Chief of Mission?

Answer. The DCM should have responsibility as staff executive officer and have the Ambassador's full support to manage as chief operating officer when the Ambassador is present and as chief executive officer when the Ambassador absent. If confirmed, I will meet, collaborate, and coordinate with the DCM consistently and continually.

Question. In order to create and continue employee excellence at the Department, accurate and direct employee evaluation reports (EERs) for Foreign Service Officers are imperative, though often lacking.

- Do you believe that it is important to provide employees with accurate, constructive feedback on their performances in order to encourage improvement and reward those who most succeeded in their roles?

Answer. Yes. I believe that it is important to provide employees with accurate, constructive feedback on their performance in order to encourage improvement and reward those who most succeed in their roles.

Question. If confirmed, would you support and encourage clear, accurate, and direct feedback to employees in order to improve performance and reward high achievers?

Answer. Yes. If confirmed, I will support and encourage clear, accurate, and direct feedback to employees in order to improve performance and reward high achievers.

Question. It is imperative that U.S. diplomats get outside of posts abroad to meet with local actors, including host government officials, non-government organizations, and fellow foreign diplomats stationed in Tanzania.

- In your opinion, do U.S. diplomats get outside of our Embassy walls enough to accomplish fully their missions?

Answer. Our diplomats have not gotten out enough to meet with local actors as a result of the pandemic. If confirmed, I will work to support our diplomats in Tanzania to do so, with appropriate precautions for their security, health, and well-being.

Question. How do you intend to improve the ability of U.S. diplomats to better access all local populations?

Answer. If confirmed, I will work closely with the Embassy management section, regional security office, and health unit to ensure that resources are directed to supporting increased travel and engagement plans across the entirety of mission in a safe, secure, and health-conscious manner. Furthermore, the Embassy plans to open three American spaces in FY 2022 that will give the USG a consistent presence in geographically diverse areas of the country, facilitating programs and initiatives.

Question. Public diplomacy is an important aspect of U.S. foreign policy efforts. What is the public diplomacy environment like in the Tanzania?

Answer. The public diplomacy environment in Tanzania is very receptive. Tanzanians have broadly favorable views of the United States and are eager to participate in our programs. Mission Tanzania's public diplomacy program is robust and designed to further the development of Tanzania's future leaders, build the capacity of Tanzanian institutions, and promote awareness and understanding of shared U.S. and Tanzanian values. Public diplomacy efforts also focus on promoting the English language and on creating a culture of entrepreneurship. Some of our flagship initiatives include exchange programs such as Fulbright, Young African Leaders Initia-

tive (YALI), International Visitor Leadership Program (IVLP), and the Academy of Women Entrepreneurs (AWE) program. Peace Corps volunteers have also served in Tanzania as teachers, leaders of health education projects, and leaders of environmental projects, building much goodwill over the decades.

Question. What public diplomacy challenges do U.S. diplomats face there?

Answer. While the Tanzanian constitution provides for freedom of expression, authorities use libel laws and the threat of criminal penalties to stifle the exercise of that freedom. The ability of people in Tanzania to exercise their right of free expression also has been limited through several formal (legislative, regulatory) and informal (executive, government, and police statements) actions. These include laws that give the Government the authority to shut down media outlets and restrict use of the Internet and freedom of expression online. Tanzania's media sector also struggles with economic viability and has been slow to adapt to the new digital landscape. Challenges also include poor infrastructure and access to rural populations that can pose obstacles to travel and programming.

Question. How do you balance the importance of Main State versus the in-country mission when it comes to tailoring public diplomacy messages for foreign audiences?

Answer. I believe Main State and our Embassy in Dar es Salaam have different comparative advantages when tailoring public diplomacy messages for foreign audiences. Our public diplomacy officers in Tanzania can use close relationships with local media to reach Tanzanian audiences through radio, local newspapers, and in-person engagement. The State Department in Washington can amplify and reinforce Embassy messages or release tougher statements to broader audiences at a greater distance. This allows the Embassy to continue to engage with interlocutors locally without damaging relationships. If confirmed, I will ensure our mission and Main State coordinate on messaging to ensure it is as effective as possible.

Question. "Anomalous health incidents," commonly referred to as "Havana Syndrome," have been debilitating and sidelining U.S. diplomats around the world for years. They have caused serious, negative consequences for U.S. diplomacy, yet many believe that the Department is not doing enough to care for, protect, and communicate to its personnel. The past occurrences and ongoing threat of anomalous health incidents among Embassy personnel and their families poses a serious challenge to morale. When personnel at post fear for their safety or doubt that their case will be taken seriously if they were affected, the performance of Embassy operations can suffer. If confirmed, do you commit to taking this threat seriously?

Answer. Yes. I am deeply troubled by potential anomalous health incidents that have affected U.S. Government personnel and their family members. I agree that such incidents pose a threat to the well-being of U.S. personnel and must be taken extremely seriously. If confirmed, I will make the health, safety, and security of Embassy staff, their family members, and all those supporting the Mission my highest priority.

Question. If confirmed, do you commit to talking as openly as you can to Mission Dar es Salaam personnel?

Answer. If confirmed, I am committed to regularly share new information on this issue consistent with ensuring the integrity of ongoing investigations.

Question. Have you received a briefing on the anomalous health incidents that have occurred to U.S. Government personnel around the world, including at U.S. embassies and other diplomatic posts? If you have not, and if you are confirmed, do you commit to receiving a briefing on the incidents before you depart for your post?

Answer. Yes. I have attended the Ambassadorial seminar session on AHIs and received a classified briefing on this matter. I will seek further unclassified and classified meetings with the Coordinator of the State Department's Health Incident Response Task Force as well as relevant bureaus including Diplomatic Security and Intelligence and Research.

Question. In the event of an anomalous health incident among your Embassy personnel or eligible family members, do you commit to maintain detailed records of the incident, and share the information with the State Department and other embassies to contribute to the investigation of how these attacks are affecting U.S. missions and personnel around the world?

Answer. If confirmed, I commit to engaging in the ongoing investigation into circumstances surrounding the unexplained health incidents. The Department continues to work on determining what happened to our staff and their families and

to ensure their well-being and health. There is no higher priority than the safety and security of our U.S. personnel and their families.

Question. Whether or not anomalous health incidents occur at your Embassy, how will you work to restore and preserve morale that may be lost due to the knowledge these attacks have been occurring at posts around the world?

Answer. If confirmed, I commit to being open with my staff about what I know; I commit to taking seriously any report of an employee being harmed or under threat, whether that is related to anomalous health incidents or not; and I commit to keeping an open door so that my staff entrusts me with any concerns that affect their morale. I also commit to speaking with my staff regularly about the Embassy's mission, to ensure that they know how their work fits into the bigger picture. I believe that a team's morale is best served by every member understanding how his or her work matters and knowing that their leaders have their backs and care sincerely about their well-being.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. MICHAEL BATTLE BY SENATOR JEANNE SHAHEEN

Question. I have been closely following increased reports of directed energy attacks that have affected U.S. Government employees. As nominees to a role of Ambassador, I want to ensure that you are sufficiently prepared to respond accordingly if an unexplained health incident is reported in your mission. I understand that the State Department includes a briefing on this as part of the Ambassadorial seminar that you are required to attend. If confirmed, will you commit to attending the Ambassadorial seminar session on AHIs and seek a classified briefing with State Department?

Answer. Yes, I have attended the Ambassadorial seminar session on AHIs and, if confirmed, I commit to receiving a classified briefing on this matter and will seek further information in unclassified and classified meetings with the coordinator of the State Department's Health Incident Response Task Force as well as relevant bureaus including Diplomatic Security and Intelligence and Research.

Question. I have been closely following increased reports of directed energy attacks that have affected U.S. Government employees. As nominees to a role of Ambassador, I want to ensure that you are sufficiently prepared to respond accordingly if an unexplained health incident is reported in your mission. I understand that the State Department includes a briefing on this as part of the Ambassadorial seminar that you are required to attend. If an incident occurs, please assure that you will do everything in your power to prioritize the health, treatment, and safety of our diplomats?

Answer. If confirmed as Ambassador to Tanzania, I will make the health, treatment, and safety of my staff my top priority. I also commit to ensuring all unexplained health incidents at Embassy Dar es Salaam are treated seriously and quickly reported through the appropriate channels. I will ensure that any affected individuals receive prompt access to treatment and medical care.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. MICHAEL BATTLE BY SENATOR MARCO RUBIO

Question. In March 2021, Samia Suluhu Hassan assumed Tanzania's presidency after her predecessor John Magufuli died of COVID–19. This appeared to be an opportunity for the United States to restore our relationship with the country. However, since then, President Hassan has pursued a strongly pro-China foreign policy, and like South Africa, Tanzania has historic ties with Beijing. In June of 2021, Hassan agreed to participate in the Chinese Communist Party's Belt and Road Initiative. She expedited approval to hand control over a coal mine and power plant to Chinese company Sichuan Hongda and revived a $10 billion port project that President Magufuli suspended. By all accounts, we're now on the defensive in Tanzania.

- Do you find the pro-CCP decisions of the Hassan administration concerning? Why or Why not?

Answer. The relationship between Tanzania and the People's Republic of China has been historically strong, since before Tanzania's independence. President Hassan's approach to the PRC is in line with that well-established precedent and con-

sistent with her administration's overall tilt towards expanding international relationships, including with the United States. While welcoming of all inward foreign direct investment, including from the PRC, Hassan has also been willing to accept advice and counsel to protect Tanzania's sovereignty and economic well-being.

Question. If confirmed, how will you encourage U.S. policy towards Tanzania to more seriously compete with the CCP?

Answer. If confirmed, the Embassy team and I will meet the PRC challenge by supporting a level playing field for U.S. companies, providing a meaningful alternative to the PRC's economic enticements, and by promoting entrepreneurship and transparent economic practices. I will be a vigorous advocate for U.S. companies and will encourage a welcoming Tanzanian Government approach to inward U.S. investment as the best way to support sustainable economic development. I will support Tanzania in creating an enabling environment for inclusive private sector-led growth by facilitating regional trade, improving access to credit, improving agricultural production and market access, enhancing domestic resource mobilization, and improving health and education outcomes.

Question. As the Chinese Communist Party offers Tanzania the tempting offer of a $10 billion port project, the U.S. International Development Finance Corporation, an entity that Congress established precisely to finance these projects, instead issued a $20 million loan to a Tanzanian bank to expand access to education and provide technical assistance to "Edu-finance" initiatives. Regardless of the merits of this type of project, which USAID supports anyway, it is incredibly hard for leaders in Tanzania to communicate their value to ordinary Tanzanians, especially when they will inevitably compare it to a shiny port built by the Chinese.

- Do you see a problem with how the United States competes with the CCP in Tanzania and other places in Africa?

Answer. The U.S. International Development Finance Corporation is an excellent development partner with high standards for its economic, social, and environmental impacts. However, the United States should not compete with the PRC by trying to outbid them in providing direct financial assistance. Rather, our strength lies in the promotion of our economic model, which Tanzanians admire and want to emulate. If confirmed, I will help the Government of Tanzania develop a fair and transparent economic system and make connections with U.S. businesses. I will also support providing technical support to analyze PRC contracts to allow the Government and citizens of Tanzania to independently evaluate the costs and benefits of all public projects. Transparency will allow Tanzanians to understand their choices, avoid traps, and protect Tanzanian interests.

Question. If confirmed, what are your plans to revitalize America's engagement in Africa?

Answer. If confirmed, I will work with the Tanzanian Government to ensure its full inclusion and active participation in the U.S.-Africa Leaders Summit. I will also work to improve Tanzanian efforts toward combating human trafficking. I will work to strengthen Tanzania's ability to continue to meet the AGOA eligibility criteria and to take full advantage of AGOA's benefits. I will encourage greater U.S. engagement in Tanzania's port projects to ensure that both Tanzanian and U.S. interests are protected. I will also seek greater engagement from U.S. academic institutions because a modernized agricultural system will enhance food security in Tanzania and East Africa. I will support creation of light industrial development in Tanzania, to include manufacturing and maintenance of farming equipment as well as food storage facilities.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO MARGARET C. WHITMAN BY SENATOR ROBERT MENENDEZ

Human Rights

Question. According to the 2021 Country Reports on Human Rights Practices there are significant human rights issues in Kenya including credible reports of "unlawful or arbitrary killings, including extrajudicial killings by the Government or on behalf of the Government . . . forced disappearances by the Government or on behalf of the Government.. torture and cases of cruel, inhuman, or degrading treatment or punishment by the Government . . . [and] . . . arbitrary arrest and detention."

- How much money did the United States spend on programs and activities to support security services in Kenya? Were any of the security organs that re-

ceived U.S. funding implicated in human rights abuses? What steps will you take to ensure accountability for human rights abuses by government security forces if confirmed?

Answer. Since 2010, the United States has provided $310 million in counterterrorism assistance to Kenya. Over the last three years, we have provided more than $33 million to build the capacity of Kenya's civilian law enforcement agencies. The Department of State also provides approximately $6 million annually to strengthen the Administration of justice and rule of law institutions including the police, prosecutors, the judiciary, and corrections. Our objective is to promote accountable Kenyan law enforcement institutions that respect human rights and the rule of law and ensure a safe and secure environment for Kenyans.

U.S. officials have raised concerns about heavy-handed security force tactics to the highest levels of the Kenyan Government. They have also addressed underlying factors that may contribute to the use of such tactics by sharing technical expertise in police accountability mechanisms and in judicial reform.

Although the judicial process is slow and challenging, U.S. assistance to the Independent Policing Oversight Authority has improved the quality and speed of investigations of the Kenyan police for human rights abuses, impunity, and corruption since 2015, enabling more convictions. The State Department takes implementation of the Leahy law very seriously, and every Kenyan security force unit nominated for applicable assistance undergoes a vigorous vetting process. I will ensure that continues to be the case.

If confirmed, I am committed to raising credible reports of human rights abuses to the highest levels of the Kenyan Government to increase political accountability and will promote capacity-building that establishes effective accountability mechanisms for human rights violations.

Anticorruption

Question. In 2021, Kenya ranked 121 out of 180 countries on Transparency International's (TI) Corruption Perceptions Index. Police and the courts reportedly rank among the most corrupt institutions.

- How is corruption impacting U.S. investment in Kenya? What U.S. funded anti-corruption programs and activities are currently underway in Kenya? Do these programs structured to improve the enabling environment for investment? What steps will you take to support anti-corruption efforts in Kenya including accountability for official corruption if confirmed?

Answer. If confirmed, I will work with the Government of Kenya on improving accounting and internal controls by institutionalizing anti-corruption mechanisms in all facets of government. My team and I will also focus on removing barriers to direct trade and investment, increasing security cooperation, combating a culture of impunity, and helping ensure a healthy, educated Kenyan population. Through our assistance programs, we will identify and implement innovative means to reduce the risk of corruption, one of the main obstacles to U.S. investment in Kenya.

There are numerous examples where Kenya's own anti-corruption measures, pursued effectively through sound laws, institutions, and social practices, have enhanced transparency and oversight, promoted honest conduct, and provided accountability. Kenya was an important contributor to the first Summit for Democracy in December 2021 and reaffirmed its commitment to strengthening the ongoing fight against corruption by continuing to develop accountable institutions.

In 2019, and renewed again in 2022, the State Department signed a $2 million agreement with DOJ to fund a full-time anti-corruption resident legal advisor in Nairobi to mentor Kenyan prosecutors working on the most sensitive public corruption cases and to train judges at the anti-corruption court. The first iteration of this project helped build capacity of Kenyan prosecutors and judges to prosecute and adjudicate complex corruption cases.

To strengthen the Government's ability to end public corruption and abuses among the police, the State Department funds a $5.3 million capacity-building project at the Independent Policing Oversight Authority (IPOA) to improve its ability to capture complaints of abuses, track investigations, and refer well-evidenced cases for prosecution. Through a $300,000 program with local U.S. law enforcement, the State Department funded a train-the-trainers program for investigators at both IPOA and the National Police Service Internal Affairs Unit on modern investigative techniques. In 2020, the State Department also launched a $200,000 program with the U.N. Office of Drugs and Crime to support the creation of a national whistleblower protection law specifically intended to reduce corruption in public procurement.

Our collaboration to address corruption with Kenya is robust and U.S. investments to build capacity in the justice sector are yielding results. With U.S. support, Kenya is bringing more corruption cases to court, securing more corruption-related convictions, and recovering more illegally acquired assets than in the past. If confirmed, I will continue these efforts to reduce corruption in partnership with the Government of Kenya.

Question. In March, the State Department designated former-Nairobi Governor Mike Sonko Gidion Mbuvi Kioko ineligible for entry into the United States under Section 7031(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021 due to his involvement in significant corruption, including for soliciting bribes and kickbacks in exchange for awarding government contracts to his associates.

Do you believe that such sanctions are an effective tool to combat corruption? If confirmed, do you commit to regularly review the use of such designations as a tool to combat corruption?

Answer. I do believe that such sanctions are a useful tool in combating corruption, and if confirmed, I commit to, when appropriate, reviewing such designations regularly as a tool to combat corruption.

Democracy & 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 been on the Teach for America (TFA) Board for over 10 years and have served as National Board Chair for the last three. TFA works to ensure that every child has access to an excellent K-12 education in the United States, which I believe is fundamental to democracy and human rights. TFA is widely acknowledged to have made a significant positive difference in the communities in which it operates and to K-12 education in the United States.

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 will utilize all available U.S. assistance programs and tools to strengthen democracy and good governance in Kenya. State Department and USAID resources are critical to achieving our policy goals and advancing our values in Kenya.

USAID has awarded approximately $14 million to Kenyan civil society organizations to support credible and peaceful elections this year. The State Department has invested an additional $4 million to prevent and mitigate conflict and protect human rights. I will also leverage the Government of Kenya's strong desire for a Millennium Challenge Corporation compact to encourage further reforms that improve transparency and reduce corruption.

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 build on the embassy team's ongoing work and programs to combat disinformation and propaganda perpetuated by foreign and non-state actors. A well-informed citizenry is required for a functioning democracy, so I support the continuation of current embassy programs to educate journalists about the dangers of disinformation and procedures to publicly refute dangerous disinformation.

Question. What challenges do the lesbian, gay, bisexual, transgender, and queer (LGBTQ) people face in Kenya?

Answer. Discrimination against LGBTQI+ individuals is widespread in Kenya. Civil society has reported an increase in harassment of LGBTQI+ Kenyans since the COVID–19 pandemic began. Homosexuality remains illegal in Kenya, and many are afraid to report abuse or get medical help because of social stigma and fear of further persecution.

The murder of Sheila Lumumba, a Kenyan nonbinary lesbian, is a tragic reminder of the ongoing violence and discrimination faced by LGBTQI+ individuals in Kenya. If confirmed, I will work to combat violence and abuse, criminalization, discrimination, and stigma targeting LGBTQI+ persons abroad, in partnership and in direct consultation with civil society. I will work closely with the Special Envoy to Advance the Human Rights of LGBTQI+ persons on these key lines of effort. As

President Biden and Secretary Blinken have made clear, advancing the human rights of LGBTQI+ persons is a U.S. foreign policy priority.

Congressional Consultations

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 Kenya?

Answer. If confirmed, I commit, in coordination with the State Department's Bureau of Legislative Affairs, to respond promptly to all requests for briefings and for information by this Committee. Our foreign policy is stronger when the two branches of government coordinate, and I would look forward to strengthening that coordination.

Anomalous Health Incidents

Question. I am very concerned about directed energy attacks on U.S. Government personnel (so-called Anomalous Health Incidents). Ensuring the safety and security of our personnel abroad falls largely on individual Chiefs of Mission and the response of officers at post. It is imperative that any individual who reports a suspected incident be responded to promptly, equitably, and compassionately.

- Do you agree these incidents must be taken seriously, and pose a threat to the health of U.S. personnel?

Answer. Yes, these incidents must be taken seriously. As Secretary Blinken has said, his number one responsibility is to protect the men and women representing our country around the world. If confirmed, I commit to ensuring any reported incident is treated seriously and reported through appropriate channels promptly and that any affected individual promptly receives prompt medical care.

Question. If confirmed, do you commit to ensuring that any reported incident is treated seriously and reported quickly through the appropriate channels, and that any affected individuals receive prompt access to medical care?

Answer. If confirmed, I commit to treating seriously and quickly reporting, through the appropriate channels, any reported AHI. I will also ensure that affected individuals receive prompt medical care.

Question. Do you commit to meeting with medical staff and the RSO at post to discuss any past reported incidents and ensure that all protocols are being followed?

Answer. If confirmed, I will meet with medical staff and the RSO on any past incidents to ensure that all health, safety, and security protocols are followed and implemented. If confirmed, I will collaborate with our medical team and the RSO to make sure that the entire Embassy community is aware of what to do should a potential incident affect them, their colleagues, or their family members.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO MARGARET C. WHITMAN BY SENATOR JAMES E. RISCH

Question. Campaigns are well underway in Kenya for the hotly contested General Elections on August 9, including for the presidency. These will be pivotal elections, not only for Kenya, but for the broader East Africa region which has experienced significant democratic setbacks in recent years.

- If confirmed and able to get to post ahead of elections, how will you use your position as U.S. Ambassador to engage with Kenyans and the international community on the electoral process?

Answer. If confirmed, I will support ongoing U.S. activities to strengthen democratic governance and promote peace. I will amplify ongoing efforts to promote free, fair, credible, and peaceful elections. For example, the State Department and USAID are investing in programs to strengthen electoral institutions and accountability, conduct civic education, promote political participation of women and youth, promote respect for human rights, prevent electoral violence, and improve the operational environment for civil society and the media. Moreover, if confirmed, I will continue to strengthen our relationship with Kenyan civil society and work closely with likeminded partners. These efforts will strengthen Kenya's ability to prepare for and conduct free, fair, and peaceful elections that reflect the will of the Kenyan people.

Question. How will you engage with Kenya's leaders in the lead up to these elections?

Answer. The August 2022 general elections are an opportunity for Kenya to showcase to the region and the world the strength of its democracy. If confirmed, I will lead continued U.S. Embassy efforts to engage politicians and government officials across the political spectrum to encourage free, fair, credible, and peaceful electoral processes that advance Kenya's role as a democratic leader.

In addition, I will continue to work with civil society organizations and religious leaders to advocate for electoral reforms, to include the voices of a diversity of Kenyans in the electoral process, and to strengthen the ability of the Independent Electoral and Boundaries Commission to implement credible elections in a professional and transparent manner.

Question. In your view, what specific efforts can be taken to help ensure the country holds free, fair, credible, transparent and peaceful elections?

Answer. Supporting democratic and institutional reforms in Kenya is a top policy priority for the United States. If confirmed, I will collaborate with the Government of Kenya, political parties, civil society organizations, and other diplomatic missions to promote political reforms, reinforce democratic institutions, and strengthen electoral institutions and processes to promote free, fair, and peaceful elections.

I would support the continued use of available State Department and USAID regional and centrally managed resources to advance democracy and respect for human rights in Kenya. The Embassy has leveraged these kinds of resources in the past to support myriad activities including promoting free, fair, credible, and peaceful elections and increasing women and youth participation in the political process.

Question. Under the Trump administration, Kenya was in talks with the United States over a potential bilateral free trade agreement, which would have been the first such agreement between the United States and an African country. Talks of the free trade agreement stalled under President Biden, but earlier this month a delegation from the Office of the U.S. Trade Representative visited Kenya to explore potential opportunities for enhanced engagement on trade and investment between the U.S. and Kenya.

- As U.S. Ambassador to Kenya, and given your personal background in business—particularly in the tech sector—how will you approach discussions with the Kenyan's over trade and investment and what U.S. tools and resources will you leverage in those discussions?

Answer. If confirmed, I will draw upon my experience in the private sector to inform conversations with Kenyan officials and underscore the benefits of a strong economic relationship with the United States. I will support continued engagement with Kenya to pursue mutually beneficial trade and investment opportunities. Kenya's continued inclusive economic growth is in our interest. It increases Kenya's strength as a key regional security provider and bilateral partner. If confirmed, I will continue coordination with Nairobi's economic and political sections to leverage all resources and tools available to us.

I strongly support USTR's continued engagement with Kenya on trade and investment issues and look forward to the fruitful outcomes of this engagement.

Global Competition and Malign Influence

Question. In November 2020, I published a Senate Foreign Relations Committee majority report entitled "The United States and Europe: A Concrete Agenda for Transatlantic Cooperation on China." The report gave several recommendations for increased transatlantic cooperation, including on Africa, to counter malign Chinese influence more effectively.

- In what ways should the United States partner with European countries to build on likeminded interests in Kenya and counter the influence of China and other malign actors?

Answer. To counter the influence of China and other malign actors, it is essential to address corruption and promote U.S. businesses as an alternative to Chinese investment. If confirmed, I will contrast our approach to the PRC's development model by ensuring that transparency, social, economic, environmental, and labor safeguards are built into the projects we support. I will highlight how our economic engagement in Kenya fosters mutual prosperity by increasing two-way trade and investment, private sector led growth, responsible economic governance, and entrepreneurship opportunities for women and youths.

Working with like-minded partners, like the EU, is critical to advancing United States foreign policy goals in Kenya. If confirmed, I will work closely with the EU mission in Nairobi as well as with our other diplomatic partners to ensure that Kenya improves their democratic institutions to counter any malign influence in the country.

If confirmed, I will focus on how to best compete with China by providing sustainable alternatives, ensuring a level playing field for U.S. businesses and calling out the PRC's coercive and unfair business practices when necessary.

I will assert American diplomacy to ensure PRC influence does not threaten our strategic partnership with Kenya or undermine democratic governance and transparency and respect for human rights in Kenya.

Foreign Assistance

Question. As Chief of Mission, if confirmed, do you commit to be engaged with USAID on the issue of U.S. foreign assistance to Kenya, to ensure that adequate Mission oversight of U.S. foreign assistance is provided and that our foreign assistance is serving U.S. foreign policy priorities and interests?

Answer. Yes, if confirmed, I commit to engaging with USAID on the issue of U.S. foreign assistance to Kenya to ensure adequate oversight of U.S. foreign assistance and fulfillment of U.S. foreign policy priorities and interests. The U.S. Government has sent a clear message to Kenya that malfeasance will not be tolerated. If confirmed, I will continue to engage to ensure that any necessary reforms are carried out.

Question. Will you commit, if confirmed, to engage personally in ensuring that our PEPFAR programs and other U.S. assistance initiatives are used by the Government of Kenya responsibly and with full transparency?

Answer. Yes, if confirmed, I commit to engaging personally in ensuring that our PEPFAR programs and other U.S. assistance initiatives are used by the Government of Kenya responsibly and with full transparency.

Question. "Locally-owned and locally-led" is a pillar of USAID's approach in Kenya. This approach directly impacts how the United States provides assistance and interacts with Kenyans on development. While this is a necessary approach and can have a transformative impact on our bilateral relationship, what are the risks to having a foreign assistance model in Kenya that is "wholly" locally-owned and locally-led?

Answer. The United States has developed a cooperation framework to advance our interests with our Kenyan partners. While there are risks in moving towards a localization model that is "Kenyan-led, Kenyan-owned and Kenyan-managed," we see this approach as an important evolution in our relationship with Kenya. Local organizations may need additional support to comply with USG regulations. To make this model work, the U.S. Government is committed to building the capacity of local organizations and increasing the monitoring and oversight of these organizations to ensure the transparent, accountable, and efficient use of U.S. taxpayer dollars. We have made it clear to the Government of Kenya that malfeasance will not be tolerated. If confirmed, I will ensure full and judicious implementation of any necessary reforms.

I will ensure, through all mechanisms available, that there are regular inspections and oversight of our implementing partners' facilities and enforce a zero-tolerance policy on waste, fraud, and abuse.

Human Rights

Question. In the State Department's 2021 Trafficking in Persons Report (TIP), Kenya remained Tier 2 due to inconsistent efforts to identify victims of trafficking but increasing the number of investigations and prosecutions of trafficking cases.

- How will you work with the Kenyans to address these issues if you are confirmed as Ambassador?

Answer. If confirmed, I will press the Government of Kenya to increase its efforts to combat TIP, including identifying more trafficking victims, expanding protection services for identified victims, particularly adults, increasing accessibility to shelters for victims, and increasing coordination with NGOs, neighboring countries, and regional organizations.

Question. If confirmed, what concrete steps could you take to help Kenya operationalize the prioritized recommendations contained in the TIP report?

Answer. If confirmed, I will continue Embassy efforts to increase government anti-trafficking efforts, including holding workshops to train magistrates, police officers, and customs officials on trafficking provisions. The Department also supports programs to help the Government increase investigations, prosecutions, and convictions of trafficking crimes; facilitate safe, ethical recruitment and protect migrant workers; and protect, assist, and reintegrate victims.

Question. In the State Department's 2020 International Religious Freedom report, Kenya was lacking societal and governmental respect for religious freedom.

- What is your assessment of this particular issue and if confirmed, how will you work with the Ambassador-at-Large for International Religious Freedom to bolster religious freedom in-country?

Answer. At the time of the 2020 report, the U.S. Government estimated as of 2019 approximately 85.5 percent of the total population of Kenya is Christian and 11 percent Muslim. Groups constituting less than 2 percent of the population include Hindus, Sikhs, Baha'is, and those adhering to various traditional religious beliefs. Most of the Muslim population lives in the northeast and coastal regions, with significant Muslim communities in several areas of Nairobi. Religion and ethnicity are often linked, with most members of many ethnic groups adhering to the same religious beliefs.

Al-Shabaab has carried out attacks in the northeastern part of the country and said it had targeted non-Muslims because of their faith. There are occasional reports of religiously motivated threats of societal violence and intolerance, such as members of Muslim communities threatening individuals who converted from Islam to Christianity.

In recent years, religious and political leaders have stated that tolerance and cooperation among religions have improved, citing extensive interfaith efforts to mitigate the effects of the COVID–19 pandemic and to build peace between communities as evidence.

If confirmed, I will work with the Ambassador-at-Large for International Religious Freedom to monitor religious freedom abuses, persecution, and discrimination in Kenya. We will collaborate on efforts to address these concerns and to build diverse and dynamic partnerships with the broadest range of civil society.

Question. If confirmed, do you commit to personally engaging with civil society on this issue?

Answer. Yes, if confirmed, I commit to personally engage with civil society on this issue.

Question. If confirmed, what concrete steps can you take to help Kenya increase its societal and governmental respect for religious freedom?

Answer. If confirmed, I will emphasize the importance of respecting religious freedom and underscore the importance of addressing human rights abuses by security forces, including abuses limiting the ability of minority religious groups to function freely in society. The Kenyan constitution prohibits religious discrimination and protects religious freedom. If confirmed, I will continue to work with the Government of Kenya and civil society to ensure that both laws and policies are effectively implemented in accordance with these constitutional rights.

Question. In the State Department's 2021 Human Rights Report, Kenya was identified as having significant human rights abuses, including arbitrary killings, forced disappearances, violence against journalists and others, and more.

- If confirmed, what steps will you take to address these instances with the host government?

Answer. The United States is deeply concerned about allegations of human rights violations and abuses in Kenya. If confirmed, I will call for the Government of Kenya, both publicly and privately, to respect the human rights of individuals in Kenya, notably freedoms of expression and peaceful assembly, and to ensure that those arrested receive due process and fair trials. I will speak out for democratic pluralism and respect for human rights. I will also build on current U.S. programs to strengthen police accountability, increase civilian police oversight, and professionalize security forces, including by providing human rights training

If confirmed, I will build on Embassy efforts to urge the Government to increase the transparency of the electoral process and protect the freedom of peaceful assembly. I would also encourage the Government to end impunity to build trust with its citizens and develop a capable and accountable civilian security sector that serves Kenyans and respects international human rights standards.

The State Department takes implementation of the Leahy law very seriously, and every Kenyan security force unit nominated for applicable assistance undergoes a vigorous vetting process. I will ensure that continues to be the case.

Question. How will you direct Embassy Nairobi to work with civil society organizations to improve the human rights situation on the ground?

Answer. If confirmed, I will meet with and listen to all civil society and political actors in Kenya who support strengthening Kenya's democracy. I would build on

Embassy efforts to urge the Government to ensure civil society organizations can operate freely and protect the freedom of peaceful assembly and expression. A concrete way the Government can build that trust is to allow NGOs and civil society true freedom of peaceful assembly and association. As health and safety allow, my team and I would meet in-person with civil society leaders throughout Kenya to hear and support their voices. I would also build on Embassy programs to assist civil society organizations conducting human rights advocacy and monitoring, particularly in advance of the August national election.

Kenya in the United Nations

Question. The Office of Multilateral Strategy and Personnel (MSP) in the State Department's Bureau of International Organizations is leading a whole-of-government effort to identify, recruit, and install qualified, independent personnel at the United Nations (U.N.), including in elections for specialized bodies like the International Telecommunications Union (ITU). There is an American candidate, Doreen Bodgan-Martin, who if elected would be the first American and first woman to lead the ITU. She is in a tough race that will require early, consistent engagement across capital and within the U.N. member states.

- If confirmed, do you commit to demarching the Kenyan Government and any other counterparts necessary to encourage their support of Ms. Bogdan-Martin?

Answer. Yes, if confirmed, I commit to demarching the Kenyan Government and any other counterparts necessary to encourage their support of Ms. Bogdan-Martin.

Question. If confirmed, how can you work with the Bureau of International Organizations and other stakeholders to identify, recruit, and install qualified Americans in positions like the Junior Professional Officer (JPO) program at the U.N.?

Answer. If confirmed, I will coordinate closely with my colleagues in the International Organization Affairs Bureau and other stakeholder bureaus and agencies and consult with Congress to ensure we have sufficient resources, tools, and staffing to support more positions for U.S. citizen JPOs in the U.N. system. With these resources, we can work strategically to increase the number of JPO opportunities funded by the U.S. Government into key agencies and bodies that work on U.S. priorities, expand our recruitment and outreach activities to ensure these opportunities are widely known and available to interested U.S. citizens, and provide tools and services to strengthen our competitiveness in placing qualified U.S. citizens into the U.N. system.

Question. As Chief of Mission, how would you approach management of the physical Embassy, as well as multiple missions and the myriad staff working not just for the Department of State, but multiple other U.S. federal departments and agencies, as well as the billions of dollars in U.S. Government programs focused on Kenya, Somalia, and the broader region?

Answer. If confirmed, I will work closely with my management team in the mission to ensure the physical Embassy, as well as all our facilities, are safe, properly maintained, and effectively using government resources. I will adhere to the concept of "one team" to ensure that team members regardless of physical location are well integrated into the larger mission and empowered to focus on our core objectives. I will rely on the country team format to integrate all agencies at post. I will meet section and agency heads one-on-one and visit all our facilities on a regular basis.

State Department Management and Public Diplomacy

Question. The U.S. Mission in Kenya is one of the largest in the world, hosting Embassy, USAID and other federal agency staff covering Kenya, Somalia, and regional East and Horn of Africa issues and programs.

- How do you intend to improve morale at Mission Nairobi?

Answer. If confirmed, I will make maintaining morale of utmost importance. I will work closely with my staff, understand their concerns about morale, and communicate those concerns back to Department leadership. In my experience, the best work comes from well-resourced teams that support one another in their work towards achieving common goals and advancing U.S. policies. If confirmed, I will maintain clear communication and articulate goals and priorities early on and often.

Our foreign service family members contribute directly to mission morale, and if confirmed, I will ensure that those family members are also supported and happy by improving education and schools in the country and ensuring that eligible family members who wish to work in the mission find meaningful employment.

Question. How do you intend to create a unified mission and vision at Mission Nairobi?

Answer. If confirmed, I will ensure that all employees working in Embassy Nairobi, whether they are locally employed staff, eligible family members, contractors, or U.S. direct hires, feel supported and heard in their work. I maintain an open-door policy and will welcome the contributions and ideas of those working in our mission. Throughout my career, I have valued and encouraged a diverse and inclusive work environment, I will bring that same spirit to Embassy Nairobi.

Question. Management is a key responsibility for Chiefs of Mission. How would you describe your management style?

Answer. My management style incorporates several elements. First, when beginning a new job, I listen very carefully to the existing team, including in this case, foreign service officers, locally employed staff and family members.

Second, I determine what the organization is doing well and do more of it—as opposed to focusing exclusively on what needs to be fixed or improved. I always get to the list of improvements that are necessary, but I have found that starting with what is going well builds buy-in and credibility.

Third, I work with my team to develop a set of priorities and metrics by which we hold ourselves accountable for delivering results. This process is consensus oriented but often requires clear decision-making.

Lastly, I establish an operating and communications cadence that allows the organization to know what the priorities are, what is being worked on, what the current issues are and how we are doing on executing against our goals. I also view attracting and developing talent as a key part of my management priorities. If confirmed, I will carefully build relationships as I listen to members of the host government and civil society. I will also listen to our Embassy and consular "customers."

Question. Do you believe it is ever acceptable or constructive to berate subordinates, either in public or private?

Answer. No, I do not believe it is ever acceptable or constructive to berate subordinates, either in public or private.

Question. How do you envision your leadership relationship with your Deputy Chief of Mission?

Answer. We will work as a true team to ensure the U.S. Mission in Kenya is best placed to advance U.S. interests.

Question. If confirmed, what leadership responsibilities do you intend to entrust to your Deputy Chief of Mission?

Answer. If confirmed, I will entrust my Deputy Chief of Mission (DCM) with the responsibilities akin to those of a chief operating officer. While both the DCM and I will have responsibility for coaching and mentoring the Embassy team, if confirmed, I will also ask the DCM to play the primary role in ensuring the career development of the first- and second-tour officers on the Embassy team. And I will be open to any ideas that the DCM has about functions in which he/she is particularly interested or where he/she has particular strengths.

Question. In order to create and continue employee excellence at the Department, accurate and direct employee evaluation reports (EERs) for Foreign Service Officers are imperative, though often lacking.

- Do you believe that it is important to provide employees with accurate, constructive feedback on their performances to encourage improvement and reward those who most succeeded in their roles?

Answer. Yes. I believe that providing accurate and constructive feedback on performance is essential. And, if confirmed, I will fully reward those who succeed in their roles in the mission.

Question. If confirmed, would you support and encourage clear, accurate, and direct feedback to employees in order to improve performance and reward high achievers?

Answer. Yes, if confirmed, I would support and encourage clear, accurate, and direct feedback to employees to improve performance and reward high achievers.

Question. It is imperative that U.S. diplomats get outside of posts abroad to meet with local actors, including host government officials, non-government organizations, and fellow foreign diplomats stationed in Kenya.

- In your opinion, do U.S. diplomats get outside of our Embassy walls enough to accomplish fully their missions?

Answer. If confirmed, I will listen to my team to understand what resources they need to increase in-person interactions. outside Embassy walls. There must be a bal-

ance between mission, security concerns, and COVID–19 mitigation. I see great value in leaving the Embassy compound and am committed to ensuring the safety of my teammates. If in-person interactions are unsafe, I will provide technological support to my team so that they are still able to fully accomplish our mission.

Question. How do you intend to improve the ability of U.S. diplomats to better access all local populations?

Answer. Unfortunately, the COVID–19 pandemic continues to limit our ability to meet local populations in person. Security issues are also a concern. If confirmed, I intend to improve the ability of my staff to access local populations by ensuring the health and safety of local populations and Embassy employees so that they can meet face-to-face. I will listen to my team to understand what resources they need from the State Department to increase in-person interactions. If in-person interactions are unsafe, I will provide technological support to my team so that they are able to meet virtually with their contacts.

Question. Public diplomacy is an important aspect of U.S. foreign policy efforts. What is the public diplomacy environment like in the Kenya?

Answer. The U.S.-Kenya partnership is strong and Kenyan audiences welcome U.S. programming. Programs over the past year have connected U.S. and Kenyan experts and audiences to discuss food security, animation and filmmaking, hip hop music creation and marketing, journalism, entrepreneurship, COVID–19 prevention and mitigation measures, inter-religious relations, and disability rights. If confirmed, I will ensure that Embassy Nairobi continues to engage Kenyans to encourage mutual understanding with the United States.

Question. What public diplomacy challenges do U.S. diplomats face there?

Answer. Security conditions in certain counties, and even in parts of Nairobi, limit and restrict our interaction with key audiences, including at our American Corner on Lamu Island.

Question. How do you balance the importance of Main State versus the in-country mission when it comes to tailoring public diplomacy messages for foreign audiences?

Answer. I believe Main State and our mission in Nairobi each have an important role to play when it comes to tailoring public diplomacy messages for foreign audiences. Public diplomacy officials on the ground can use close relationships with local media to reach a broad array of Kenyans with our messaging. Officials in Washington—with a wider audience—offer a platform to amplify this messaging. If confirmed, I will ensure our mission and Main State effectively coordinate on messaging to ensure it is as effective as possible.

Question. "Anomalous health incidents," commonly referred to as "Havana Syndrome," have been debilitating and sidelining U.S. diplomats around the world for years. They have caused serious, negative consequences for U.S. diplomacy, yet many believe that the Department is not doing enough to care for, protect, and communicate to its personnel. The past occurrences and ongoing threat of anomalous health incidents among Embassy personnel and their families poses a serious challenge to morale. When personnel at post fear for their safety or doubt that their case will be taken seriously if they were affected, the performance of Embassy operations can suffer.

- If confirmed, do you commit to taking this threat seriously?

Answer. Yes. I am deeply troubled by potential anomalous health incidents that have affected U.S. Government personnel and their family members. Serving one's country overseas should not come at the cost of one's health. I agree that such incidents may pose a threat to the well-being of U.S. personnel and must be taken extremely seriously. If confirmed, the health, safety, and security of Embassy staff, their family members, and all those supporting the mission will be my highest priority.

Question. If confirmed, do you commit to talking as openly as you can to Mission Nairobi personnel?

Answer. If confirmed, I am committed to regularly share new information on this issue consistent with ensuring the integrity of ongoing investigations.

Question. Have you received a briefing on the anomalous health incidents that have occurred to U.S. Government personnel around the world, including at U.S. Embassies and other diplomatic posts? If you have not, and if you are confirmed, do you commit to receiving a briefing on the incidents before you depart for your post?

Answer. Yes, I commit to participating in the briefing on Anomalous Health Incidents, including in the Ambassadorial Seminar, and will seek further information in unclassified and classified meetings with the Coordinator of the State Department's Health Incident Response Task Force as well as relevant bureaus including Diplomatic Security and Intelligence and Research.

Question. In the event of an anomalous health incident among your Embassy personnel or eligible family members, do you commit to maintain detailed records of the incident, and share the information with the State Department and other embassies to contribute to the investigation of how these attacks are affecting U.S. missions and personnel around the world?

Answer. If confirmed, I commit to engaging in the ongoing investigation into circumstances surrounding the unexplained health incidents. The Department continues to work in coordination with interagency partners on determining what happened to our staff and their families and to ensure their well-being and health going forward. There is no higher priority than the safety and security of our U.S. personnel and their families.

Question. Whether or not anomalous health incidents occur at your Embassy, how will you work to restore and preserve morale that may be lost due to the knowledge these attacks have been occurring at posts around the world?

Answer. If confirmed, I commit to being open with my staff about what I know; I commit to taking seriously any report of an employee being harmed or under threat, whether that is related to anomalous health incidents or not; and I commit to keeping an open door so that my staff entrust me with any concerns that affect their morale. I also commit to speaking with my staff regularly about the Embassy's mission, to ensure that they know how their work fits into the bigger picture. I believe that a team's morale is best served by every member of that team understanding the way in which his or her work matters, and by every member of the team knowing that their leaders have their backs and care sincerely about their well-being.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO MARGARET C. WHITMAN BY SENATOR JEANNE SHAHEEN

Question. I have been closely following increased reports of directed energy attacks that have affected U.S. Government employees. As nominees to a role of Ambassador, I want to ensure that you are sufficiently prepared to respond accordingly if an unexplained health incident is reported in your mission. I understand that the State Department includes a briefing on this as part of the Ambassadorial Seminar that you are required to attend.

- If confirmed, will you commit to attending the Ambassadorial Seminar Session on AHIs and seek a classified briefing with State Department?

Answer. Yes, I commit to attending the session on AHIs and seeking a classified briefing at the State Department on this issue, if confirmed.

Question. If an incident occurs, please assure that you will do everything in your power to prioritize the health, treatment and safety of our diplomats?

Answer. Yes, I confirm that if an AHI incident occurs, I will do everything in my power to prioritize the health, treatment, and safety of our diplomats.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO MARGARET C. WHITMAN BY SENATOR MARCO RUBIO

Question. Nowhere else in Africa are the dangers of the Chinese Communist Party's Belt and Road Initiative more apparent than in Kenya. The People's Republic of China holds 67 percent of Kenya's total external debt, much of this is tied up in loans for infrastructure projects. One of these, a railroad and coal plant near the city of Lamu, is estimated to be nearly a fifth of Kenya's Government budget. It won't take much for the CCP to swoop in and demand control of these facilities, justifying that Kenya has not been timely in making loan repayments.

- What is your assessment of the development of CCP investment in Kenya?

Answer. I share your concerns about the approach to investment in Kenya by the People's Republic of China (PRC). Kenya's debt is approaching unsustainable levels,

and the U.S. Government fully supports the International Monetary Fund's program in Kenya to help the Kenyan Government better control its external borrowing and fiscal deficit. I will support Kenyan civil society advocacy for improved transparency in contracting processes. In parallel, I will advocate for a level playing field for American investments to provide the people of Kenya better transparency, value, and quality.

Question. If confirmed, what do you plan to do to encourage Kenya to look to other sources of investment for its infrastructure projects?

Answer. If confirmed, I will work closely with the Kenyan Government and U.S. private sector to promote increased U.S. investment in Kenya and to maximize the broad range of U.S. Government resources available to support U.S. businesses seeking to invest in Kenya. I will highlight that U.S. investment brings sustainable financing, skills and technology transfer, quality job creation, accountability, and transparency—helping Kenya grow its economy and making its business environment more attractive to other foreign investment. The Nairobi-based tech hub known as the "Silicon Savannah" is one way to highlight the benefits of U.S. investment. Google's plans to open a product development center, as well as Microsoft's recent launch of its Africa Development Center in Nairobi will create high-skill technology jobs in a vital sector.

If confirmed, I will focus on how to best compete with the PRC by providing Kenya with sustainable alternatives, ensuring a level playing field for U.S. businesses, and calling out the PRC's corrosive business practices.

Endemic corruption in Kenya also deters domestic and international investment and limits opportunities for U.S. companies, as foreign competitors exploit corruption to secure overpriced and sub-standard commercial deals. If confirmed, I will work with the Government to institutionalize anti-corruption mechanisms in all facets of government and seek to leverage the Government of Kenya's strong desire for a Millennium Challenge Corporation compact to encourage further reforms that improve transparency and reduce corruption.

Question. Many of the CCP-backed projects in Kenya involve the fossil fuel industry. Do you believe that we should let the CCP operate unopposed in this economic sector, which is so crucial for Kenya's development?

Answer. We should not permit the PRC to operate unopposed in any economic sector. If confirmed, I will promote the prosperity of Americans and Kenyans through a fair and reciprocal economic partnership.

If confirmed, I will contrast the U.S. approach to the PRC's development model by ensuring that transparency, social, economic, environmental, and labor safeguards are built into the projects we support. I will highlight how our economic engagement in Kenya fosters mutual prosperity by increasing two-way trade and investment, private sector led growth, responsible economic governance, and entrepreneurship opportunities for women and youths.

Question. In January 2021, President Biden issued an executive order requiring DFC and multi-lateral banks only support projects that are consistent with the Paris Climate accords. Do you think an exception to be made in cases like Kenya, where the Chinese Communist Party is making inroads through investment in fossil fuel projects?

Answer. No, we should not try to compete with the PRC by lowering our standards for investment. Instead, we should support Kenya's leadership in climate change and green energy, which was most recently demonstrated in its November 2020 decision to cancel a proposed Chinese-built coal plant on Lamu Island in response to environmental concerns. Kenya already produces over 90 percent of its grid power from renewable energy sources, setting an enviable standard for the whole world to follow.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO MICHAEL C. GONZALES BY SENATOR ROBERT MENENDEZ

Question. Zambia's unsustainably high levels of foreign debt resulted in its default in 2020, and is a top priority for President Hichilema.

- What role should the United States play in helping Zambia address its debt crisis, including support for debt relief at international financial institutions, engagement with bilateral creditors including China, and providing technical support for public financial management and oversight?

Answer. The United States strongly supports ongoing multilateral efforts to restructure Zambia's external debt. We work with the Paris Club, G20 partners, leadership from international financial institutions, and international experts to drive international support for Zambia's economic renewal and emergence from debt distress. U.S. experts also provide guidance and capacity building to Zambian regulators to ensure transparent, responsive, and accountable governance. Playing a leading role in these efforts directly supports Zambia's economic and political renewal and charts a path forward for other African and G77 partners currently struggling with unsustainable external debt and insufficient public resources.

Question. If confirmed, what how will you work with the Zambian Government to address debt and other economic issues, including diversification, privatization, and stopping illicit financial flows?

Answer. If confirmed, I will continue to lead U.S. efforts in support of Zambia's ongoing economic renewal. I hope to forge strong working relationships with representatives from the Zambian Government, international financial institutions, and the private sector to ensure the United States has broad visibility into macroeconomic conditions, reforms, and opportunities. I will seek to connect Zambian partners with U.S. Government and nongovernment experts who can advise on necessary reforms to the business enabling environment to attract and retain private investment. I will also strongly advocate for visits and programming by relevant interagency experts at the Departments of Treasury, Commerce, and Agriculture.

Question. President Hichilema campaigned on a promise to improve democracy and governance in Zambia, correcting the authoritarian course set by President Lungu.

- In your opinion, has President Hichilema kept that promise? What is the Embassy's role in assisting with the development and implementation of democratic and governance reforms, and how will you work to hold President Hichilema accountable to his promise of reform if confirmed?

Answer. The administration of President Hichilema has made significant progress in efforts to stop authoritarian drift and root out endemic corruption in Zambia in a very short time. More work must be done to consolidate democratic gains and respond to the Zambian people's demands for economic and political renewal. U.S.-funded programming, exchanges, and engagement build the capacity and independence of government officials, legislators, and civil society activists. If confirmed, I will use the broad range of our public and private diplomacy to hold President Hichilema accountable for his campaign promises, the Zambian Government's Summit for Democracy commitments, and the demands of the Zambian people for accountable governance.

Question. President Hichilema was elected partially on the support of women and youths, two groups that have been historically underrepresented in public life, and who may face barriers to social and economic advancement. LGTBI people still face significant social and legal discrimination.

- If confirmed, what will you do to advocate for changes in policy and law that address the marginalization of these groups?

Answer. The Zambian Government must do more to ensure the safety, representation, and economic participation of marginalized groups, in line with Zambia's constitutional and international commitments, and President Hichilema's stated commitments to promote respect for fundamental freedoms. If confirmed, I will continue the work of the U.S. Embassy in Lusaka to forge strong working relationships with the members, leaders, and institutions representing these communities. I hope to use this insight to identify challenges and opportunities for which U.S. assistance is best suited. Cultural and historical context in Zambia makes engagement on these issues particularly difficult. In all things, I will be guided by our "do no harm" policy.

Democracy & Human Rights

Question. What steps will you take—if confirmed—to support democracy in Zambia? 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 continue U.S. efforts to support the consolidation of democratic gains in Zambia. Chief among these will be efforts to institutionalize reforms for accountable and responsive governance, including protecting opposition and civil society voices, independent media, and marginalized communities. Creating a more resilient, responsive Zambian Government would better equip Zambia to continue its long legacy as an anchor of democratic stability in southern Africa.

The ability to execute ambitious reforms will depend upon Beijing's participation in multilateral debt restructuring negotiations and Zambia's ability to secure a swift and lasting resolution to its debt crisis.

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 investment and governance, and what will you prioritize in processes to administer such assistance?

Answer. If confirmed, I hope to begin my tenure by aligning Zambian Government priorities, available U.S. assistance, and local capacity to absorb new initiatives and support. I will also seek to assess preexisting programming from likeminded partners, who play an active and important role in Zambia. I hope to prioritize efforts to institutionalize reforms in an effort to ensure democratic gains outlast the current administration. Zambia's longer-term success requires fighting endemic corruption and enacting legislative, regulatory, and procedural reforms to improve the business enabling environment. If confirmed, these areas will be particular priorities for me and the U.S. Mission.

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 Zambia? What steps will you take to pro-actively address efforts to restrict or penalize NGOs and civil society via legal or regulatory measures?

Answer. Nongovernmental organizations play a critical role in ensuring official accountability. If confirmed, I hope to engage early, often, and meaningfully with U.S., Zambian, and international civil society organizations. I hope to use the breadth of the U.S. Embassy's public and private outreach to hold government officials accountable—both for their campaign promises of reform and for any efforts that impinge upon respect for fundamental freedoms of association or expression. I will also work closely with likeminded partners in Zambia to amplify messages in support of progress and in condemnation of regressive regulatory action.

Question. Will you and your Embassy team actively engage with Zambia 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 Zambia?

Answer. Yes.

Congressional Consultations

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 Zambia?

Answer. Yes, working through the Bureau of Legislative Affairs, I commit to briefing members and/or staff when I am in Washington for consultations.

Anomalous Health Incidents

Question. I am very concerned about directed energy attacks on U.S. Government personnel (so-called Anomalous Health Incidents). Ensuring the safety and security of our personnel abroad falls largely on individual Chiefs of Mission and the response of officers at post. It is imperative that any individual who reports a suspected incident be responded to promptly, equitably, and compassionately.

- Do you agree these incidents must be taken seriously, and pose a threat to the health of U.S. personnel?

Answer. I am deeply concerned by potential anomalous health incidents impacting U.S. Government personnel and their family members. These incidents affect the wellbeing of U.S. personnel serving their country abroad and their families and must be taken extremely seriously. If confirmed, I will make the health, safety, and security of Embassy Lusaka staff, their family members, and all those supporting the Mission my top priority, including contributing to the extensive, ongoing interagency investigation into the cause of these incidents and how we can best protect our people.

Question. If confirmed, do you commit to ensuring that any reported incident is treated seriously and reported quickly through the appropriate channels, and that any affected individuals receive prompt access to medical care?

Answer. If confirmed, I commit to ensuring that all reported potential anomalous health incidents are given serious attention and reported swiftly through the appro-

priate channels. I will also ensure that staff who are affected by these incidents receive prompt access to the treatment, support, and medical care that they need.

Question. Do you commit to meeting with medical staff and the RSO at post to discuss any past reported incidents and ensure that all protocols are being followed?

Answer. If confirmed, I commit to meeting with medical staff and the RSO at Embassy Lusaka to discuss any reported anomalous health incidents so that I am most prepared to protect the safety of the U.S. Mission and ensure that all protocols regarding anomalous health incidents are being followed appropriately.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO MICHAEL C. GONZALES BY SENATOR JAMES E. RISCH

Question. Hakainde Hichilema's presidential victory in 2021 served as a critical moment in both Zambia and the region's democratic development. The success or failure of President Hichilema's presidency will hinge on his reforms, approach to governance, and an essential factor not entirely within his control—restructuring Zambia's approximately $17.3 billion in external debt, of which Chinese state and commercial creditors account for about one-third.

- How is the United States supporting the Government of Hakainde Hichilema to deleverage their country from the stranglehold of Chinese debt?

Answer. The United States uses its seat at Paris Club meetings and in the G20 Finance Track to call for Beijing's immediate participation in restructuring discussions. Deputy Secretary Wendy Sherman met the Zambian Foreign Minister and Treasury Secretary on May 19 to discuss a coordinated response to Beijing's continued obstructionism. Our work with the Zambian Government encourages improvements in Zambia's investment climate, and we use public and private engagements in Zambia and the United States to highlight the investment opportunity presented by Zambia's pivot towards pro-market growth. Our public and private diplomacy highlights the centrality of private sector-led growth to sustainable development in Zambia.

Question. What steps can the United States take alongside its like-minded allies to support Zambia's democratic consolidation under President Hichilema while also minimizing the country's exposure to China's (often-malign) influence?

Answer. Public, private, and financial support for accountability institutions, civil society, and independent media will bolster Zambia's democratic resilience. The United States can work with likeminded partners to develop and deploy targeted programs in support of Zambia's Summit for Democracy Year of Action commitments to enshrine media freedoms, protect civil liberties, and strengthen the independence and transparency of the Elections Commission of Zambia. Supporting the Government's planned fiscal reforms with an emphasis on transparency and reducing opportunities for corruption will help re-establish fiscal stability and deliver a ″democratic dividend″ to the Zambian people.

Question. How is the United States supporting the continuation of multi-party democracy in Zambia to continue the consolidation of democracy in Zambia and ensure checks and balances on the Hichilema administration?

Answer. U.S.-funded programming advances the decentralization of power in Zambia, moving decision-making and critical services from Lusaka to local governments. Embassy officials work closely with civil society and media, government, and political parties to improve the legal and regulatory framework for elections, political reforms, and greater transparency in and oversight of public resource allocation. U.S. technical assistance and financial support also build the viability and quality of independent media and the capacity of civil society organizations to monitor government actions and ensure citizen perspectives are considered. Our support for Zambia's participation in the Summit for Democracy will also entrench democratic reforms.

Question. Zambia's recent peaceful transfer of power from President Lungu to President Hichilema following a contentious campaign and electoral period was hailed as a democratic victory in what has otherwise been a challenging democratic landscape in the region.

- As U.S. Ambassador to Zambia, how will you engage with the new administration, as well as the political opposition and civil society, to ensure this democratic opening in Zambia remains on course?

Answer. If confirmed, I will seek to continue efforts by the U.S. Government and our likeminded partners to support the institutionalization of reforms that protect independent media, opposition voices, and marginalized groups. I will use public and private diplomacy to hold government officials accountable for campaign promises, including on the decentralization of political power and the repeal or amendment of regressive legislation. I will also develop strong, candid, and productive relationships with opposition party members and civil society activists in order to broaden our view of the Zambian people's perspectives, challenges, and demands.

Global Competition and Malign Influence

Question. In November 2020, I published a Senate Foreign Relations Committee majority report entitled "The United States and Europe: A Concrete Agenda for Transatlantic Cooperation on China." The report gave several recommendations for increased transatlantic cooperation, including on Africa, to counter malign Chinese influence more effectively.

- In what ways should the United States partner with European countries to build on likeminded interests in Zambia and counter the influence of China and other malign actors?

Answer. The U.S. Embassy in Lusaka works closely with our UK, EU, and European counterparts, and we cannot accomplish our core objectives in Zambia without their support. The perspective, funding, and expertise they provide directly supports our efforts to strengthen democracy, drive economic prosperity, and improve health outcomes in Zambia. If confirmed, I will continue and seek to deepen this collaboration in Lusaka, at capitals, and within multilateral institutions to advance a free and open, rules-based order that serves Zambian and our collective interests.

Relationship with USAID

Question. As is the case across the continent, Zambia is a recipient of significant foreign assistance, including for global health, democracy and governance, education, food security, conservation, and other critical areas for the U.S./Zambia relationship.

- How do you view the relationship between the Embassy and USAID at post?

Answer. The USAID Mission is an integral part of the U.S. Embassy and staff members from all U.S. Mission elements enjoy strong working relationships across agency lines. U.S. officials from across our interagency teamwork hand-in-hand to advance U.S. objectives in Zambia through formal working groups and myriad ad hoc targets of opportunity. Officials from the Departments of State and Defense and the Centers of Disease Control and Prevention rely heavily on the programmatic and thematic expertise of their USAID colleagues. USAID staff frequently attend external meetings, trips, and strategy sessions alongside counterparts from other U.S. agencies.

Question. How will you approach your role as Chief of Mission to engage USAID staff at Mission Lusaka?

Answer. If confirmed, I will champion, guide, and participate actively in the implementation of programs and engagements across all components of the U.S. Mission to advance U.S. interests in a concerted and complementary fashion. USAID is instrumental to our relationship, and, if confirmed, I will rely heavily on the USAID Mission Director and team for their expertise, unique skills, and insights in shaping and pursuing America's ambitious objectives in Zambia. Mission Lusaka enjoys positive interagency collaboration through an objective-based working group structure which, if confirmed, I would continue.

Question. Do you commit to respecting the mission of USAID in Zambia and supporting USAID and USAID staff to fulfill its mandate and role in advancing U.S. foreign policy and interests in Zambia?

Answer. Yes.

Human Rights

Question. In the State Department's 2021 Trafficking in Persons Report (TIP), Zambia remained on the Tier 2 Watch List for the second consecutive year for inconsistent efforts to meet the minimum standards, including increasing investigations of trafficking crimes and jailing trafficking victims.

- How will you work with the Zambians to address these issues if you are confirmed as Ambassador?

Answer. If confirmed, I will use engagements with all levels of the Zambian Government to press for the adoption of recommendations listed in the 2021 TIP report,

including institutionalizing trauma-informed victim referral protocols and training law enforcement on victim-centered investigations. I will also develop strong working relationships with civil society organizations across the country to ensure our efforts encompass the entirety of the challenge now present in Zambia. I will also use our public and private diplomacy to hold Government officials accountable, celebrate progress, and offer support for legislative reforms.

Question. If confirmed, what concrete steps could you take to help Zambia operationalize the prioritized recommendations contained in the TIP report?

Answer. My early engagements with Zambian officials will communicate the centrality of progress to combat human trafficking to U.S. foreign policy objectives in Zambia. If confirmed, I and the Embassy team will work closely with experts from civil society and international organizations to press Zambia to adopt anti-trafficking legislation that would more closely align with international law. I will encourage increased collaboration between the Government and civil society to help ensure victims of trafficking are identified and referred to care and that traffickers are vigorously prosecuted. I will also advocate for frequent programmatic support from and visits by experts from the Department of State's antitrafficking experts.

Question. In the State Department's 2020 International Religious Freedom report, Zambia was identified as lacking societal and governmental respect for religious freedom.

- What is your assessment of this particular issue and if confirmed, how will you work with the Ambassador-at-Large for International Religious Freedom to bolster religious freedom in-country?

Answer. Efforts to consolidate democracy and protect marginalized communities in Zambia must also include efforts to promote respect for religious freedom. The Zambian Government has passed meaningful legislation on the issue, but more must be done to ensure equal and effective enforcement. If confirmed, I will encourage close cooperation between the interagency team at U.S. Embassy Lusaka and work closely with the Ambassador-at-Large for International Religious Freedom and his office to advance the respect for freedom of religious and belief in Zambia.

Question. If confirmed, do you commit to personally engaging with civil society on this issue?

Answer. Yes.

Question. If confirmed, what concrete steps can you take to help Zambia increase societal and governmental respect for religious freedom?

Answer. If confirmed, I will seek to support and accelerate the ongoing work by the interagency team at the U.S. Embassy in Lusaka. I hope to forge strong personal and institutional relationships with religious institutions, civil society organizations, international observers, and government regulators in order to assess where U.S. assistance can advance the U.S. Government's priorities around respect for religious freedom. I will seek to connect relevant Zambian Government and non-governmental organizations with U.S. and international experts to share lessons learned and develop best practices.

Question. In the State Department's 2021 Human Rights Report, Zambia was identified as having significant human rights abuses, including restrictions on free speech and censorship online, undermining basic internationally-recognized human rights, and widespread child labor.

- If confirmed, what steps will you take to address these instances with the host government?

Answer. Zambian voters upheld Zambia's longstanding democratic tradition in the 2021 general elections and ousted a regime that was notorious for such abuses. But even with a new government in office, more must be done to enshrine protections for opposition voices and respect for human rights. If confirmed, I will press government officials to uphold Zambia's Summit for Democracy commitments in line with campaign promises around long overdue political reform, including the repeal of regressive colonial era laws that restrict freedom of peaceful assembly. I will also seek to build the capacity of watchdog agencies and civil society organizations which provide critical independent perspectives on government accountability.

Question. How will you direct Embassy Lusaka to work with civil society organizations to improve the human rights situation on the ground?

Answer. If confirmed, I will strongly and urgently support the ongoing work of the U.S. Embassy staff, who have forged strong relationships with a full spectrum of official, independent, and international human rights interlocutors. I will continue

close collaboration with the Zambian Government to identify areas in which U.S. and likeminded assistance can help enshrine respect for human rights and press Zambian officials to live up to campaign promises on media freedom and institutional independence.

Zambia in the United Nations

Question. The Office of Multilateral Strategy and Personnel (MSP) in the State Department's Bureau of International Organizations is leading a whole-of-government effort to identify, recruit, and install qualified, independent personnel at the United Nations (U.N.), including in elections for specialized bodies like the International Telecommunications Union (ITU). There is an American candidate, Doreen Bodgan-Martin, who if elected would be the first American and first woman to lead the ITU. She is in a tough race that will require early, consistent engagement across capital and within the U.N. member states.

- If confirmed, do you commit to demarching the Zambian Government and any other counterparts necessary to encourage their support of Ms. Bogdan-Martin?

Answer. Yes. The Zambian Government has committed to support Ms. Bogdan-Martin's candidacy.

Question. If confirmed, how can you work with the Bureau of International Organizations and other stakeholders to identify, recruit, and install qualified Americans in positions like the Junior Program Officer (JPO) program at the U.N.?

Answer. The Zambian Government seeks to strengthen U.S.-Zambia collaboration at multilateral institutions. If confirmed, I will work closely with the Bureau of International Organizations to leverage this desire and develop a plan to advance the employment of qualified Americans in positions within international fora. I will advise and support the work of Washington-based colleagues in the Bureau of African Affairs in efforts to use their engagements with Zambian officials in Washington, New York, Geneva, and elsewhere to advance these goals.

State Department Management and Public Diplomacy

Question. Many U.S. missions have been under enormous stress over the last few years, in large part due to COVID.

- What is your understanding of morale throughout Mission Lusaka?

Answer. I understand that Mission Lusaka enjoys broadly positive morale, where staff members understand their roles and contributions, see the effects of their work, and feel appreciated. This is a testament to a dedicated team and the strong and collaborative leadership exhibited by the current Chargé d'Affaires, a.i., Martin Dale and his predecessors.

Question. How do you intend to improve morale at Mission Lusaka?

Answer. If confirmed, I intend to build on Mission Lusaka's existing systems and successes. I will show through my words and actions that every employee—regardless of nationality, role, or employment mechanism—is vital to our Mission's success and is valued. I manage through discussion, engagement, and going to my teams' spaces, providing first-hand access and insight into morale trends. I intend to set a clear vision for the Mission, and to empower our teams to help define our collective strategies and objectives to ensure awareness, buy-in, and ownership. I also intend to understand the Mission's performance on meeting internal support service standards and press for improvements where they are missed to support our staff and families.

Question. How do you intend to create a unified mission and vision at Mission Lusaka?

Answer. If confirmed, I will lay out to Mission Lusaka a vision that emphasizes the opportunity and the vital role of each Mission element and staff-member. I will apply the Integrated Country Strategy (ICS) just produced collaboratively by the Mission and engage each Section and Agency to emphasize our vision. In so doing, I will listen to and learn about their existing and envisioned contributions to the ICS, and I will challenge them to share information proactively and seek synergies with other Mission elements to advance shared objectives. I will challenge the existing objective-based working groups to develop action plans for component teams to work complementarily toward achieving ambitious-yet-achievable tangible results.

Question. Management is a key responsibility for Chiefs of Mission. How would you describe your management style?

Answer. As a manager, I provide both strategic vision and roll-up my sleeves to contribute directly to Mission efforts while developing close, personal rapport with

my team. I meet colleagues individually to understand their backgrounds, ambitions, communication styles, and preferences and I share mine. I rely on my staff as subject matter experts, with my role being one of empowering them, challenging them, identifying linkages that they may not be aware of, and providing more senior heft to help them clinch tougher results. I take an approach of being candid, honest, and personable so my team feels comfortable engaging me directly and offering dissenting or alternate perspectives so together we can achieve greater successes.

Question. Do you believe it is ever acceptable or constructive to berate subordinates, either in public or private?

Answer. No.

Question. How do you envision your leadership relationship with your Deputy Chief of Mission?

Answer. If confirmed as Ambassador, I envision my leadership relationship with my DCM being one of a team, with a shared vision and shared values. I envision my DCM being a senior advisor, a confidante, and proxy in my absence. I will look to my DCM also to close the door when necessary and provide me with the feedback that others may not feel comfortable sharing.

Question. If confirmed, what leadership responsibilities do you intend to entrust to your Deputy Chief of Mission?

Answer. If confirmed, I intend to rely on my DCM as the chief operating officer of the Mission, keeping the day-to-day pulse on Mission operations on both administrative and policy efforts. As Mission Lusaka will receive a new DCM in August, I will look to engage with my DCM early to understand our relative areas of expertise and interests, as well as knowledge gaps, and to understand in what areas and how she would like to further develop professionally. Based on that understanding of our respective skills and objectives, I intend to collaboratively identify what leadership responsibilities would optimally lie with each of us in the realms of policy development, performance management, and diplomatic engagement.

Question. In order to create and continue employee excellence at the Department, accurate and direct employee evaluation reports (EERs) for Foreign Service Officers are imperative, though often lacking.

- Do you believe that it is important to provide employees with accurate, constructive feedback on their performances in order to encourage improvement and reward those who most succeeded in their roles?

Answer. Yes.

Question. If confirmed, would you support and encourage clear, accurate, and direct feedback to employees in order to improve performance and reward high achievers?

Answer. Yes.

Question. It is imperative that U.S. diplomats get outside of posts abroad to meet with local actors, including host government officials, non-government organizations, and fellow foreign diplomats stationed in Zambia.

- In your opinion, do U.S. diplomats get outside of our embassy walls enough to accomplish fully their missions?

Answer. In my opinion, U.S. diplomats have both the intention and desire to engage robustly with non-Embassy contacts and counterparts, and I commit to encourage my staff to do that as much as possible. In my experience, however, the extent to which they can do this is often constrained by non-commensurate staffing or resources. Having served exclusively in what are among the least developed countries, I have generally seen work demands far outstrip what is realistically achievable. As a result, tough decisions on relative prioritization are constantly required, often leaving staff to do that which is required or urgent, while deferring that which may be ideal or preferred. If confirmed, I will advocate actively for adequate resources to pursue our mission.

Question. How do you intend to improve the ability of U.S. diplomats to better access all local populations? Public diplomacy is an important aspect of U.S. foreign policy efforts.

Answer. Empowering staff members—both as individuals and as members of a broader team—is a core tenet of my leadership ethos. If confirmed, I hope to build upon the already strong reach of the U.S. Embassy through the active and strategic use of in-person travel, social media outreach and virtual contacts, and traditional media engagement. I hope to rely upon the expertise of my American and Zambian

counterparts, who are intimately familiar with the media landscape and local dynamics. While I will always prioritize the irreplaceable value of face-to-face diplomacy, I seek to do so in a way that prioritizes the safety and security of all U.S. Embassy staff.

Question. What is the public diplomacy environment like in the Zambia?

Answer. Zambians are eager consumers of U.S. news and developments within the United States. There is a strong appetite for engagement, which the very active Public Affairs team at the U.S. Embassy seeks to meet through a full spectrum of remote and in-person engagement. Media freedom has expanded under the current Zambian administration, but more needs to be done to enshrine legal protections for independent and opposition media outlets.

Question. What public diplomacy challenges do U.S. diplomats face there?

Answer. Lack of access to information and disinformation remain serious challenges to our public diplomacy efforts in Zambia. Ongoing efforts to expand electrification and internet access has expanded and amplified the diversity of views in Zambia, but it has also underscored the need for trusted sources and fact checking. Low levels of social media literacy propel the spread of unsubstantiated rumors, often clouding local perceptions of domestic and world events.

Question. How do you balance the importance of Main State versus the in-country mission when it comes to tailoring public diplomacy messages for foreign audiences?

Answer. Public diplomacy messages should have an objective and an intended audience. Determining the source, content, or method of delivering those messages, requires a nuanced assessment of the audience(s), their orientation, how to influence them, and potential unintended reactions by primary or other audiences. The issue, circumstance, and audience should inform whether the in-country Mission or Main State is better positioned to achieve the objective.

Question. "Anomalous health incidents," commonly referred to as "Havana Syndrome," have been debilitating and sidelining U.S. diplomats around the world for years. They have caused serious, negative consequences for U.S. diplomacy, yet many believe that the Department is not doing enough to care for, protect, and communicate to its personnel. The past occurrences and ongoing threat of anomalous health incidents among embassy personnel and their families poses a serious challenge to morale. When personnel at post fear for their safety or doubt that their case will be taken seriously if they were affected, the performance of embassy operations can suffer.

- If confirmed, do you commit to taking this threat seriously?

Answer. Yes. I am deeply troubled by potential anomalous health incidents that have affected U.S. Government personnel and their family members. Serving one's country overseas should not come at the cost of one's health. I agree that such incidents may pose a threat to the wellbeing of U.S. personnel and must be taken extremely seriously. If confirmed, the health, safety, and security of Embassy staff, their family members, and all those supporting the Mission will be my highest priority.

Question. If confirmed, do you commit to talking as openly as you can to Mission Lusaka personnel?

Answer. If confirmed, I am committed to regularly sharing new information on this issue consistent with ensuring the integrity of ongoing investigations.

Question. Have you received a briefing on the anomalous health incidents that have occurred to U.S. Government personnel around the world, including at U.S. embassies and other diplomatic posts? If you have not, and if you are confirmed, do you commit to receiving a briefing on the incidents before you depart for your post?

Answer. Yes. I commit to participating in all aspects of the Ambassadorial seminar, including the briefing on Anomalous Health Incidents, and will seek further information in unclassified and classified meetings with the Coordinator of the State Department's Health Incident Response Task Force as well as relevant bureaus including Diplomatic Security and Intelligence and Research.

Question. In the event of an anomalous health incident among your embassy personnel or eligible family members, do you commit to maintain detailed records of the incident, and share the information with the State Department and other embassies to contribute to the investigation of how these attacks are affecting U.S. missions and personnel around the world?

Answer. If confirmed, I commit to engaging in any investigations into circumstances surrounding the unexplained health incidents. The Department continues to work on determining what happened to our staff and their families and to ensure their well-being and health going forward. There is no higher priority than the safety and security of our U.S. personnel, their families, and U.S. Citizens.

Question. Whether or not anomalous health incidents occur at your embassy, how will you work to restore and preserve morale that may be lost due to the knowledge these attacks have been occurring at posts around the world?

Answer. If confirmed, I would consult the management team already present in the Mission—the health practitioner, the Community Liaison Officer, Human Resources Officer, etc.—to understand the degree and nuance of sentiments on this issue. Based on this information, I will consult with the management team, employee association, local staff association, and agency heads to devise an approach that would address the specific dynamics or relevant concerns.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO MICHAEL C. GONZALES BY SENATOR JEANNE SHAHEEN

Question. I have been closely following increased reports of directed energy attacks that have affected U.S. Government employees. As nominees to a role of Ambassador, I want to ensure that you are sufficiently prepared to respond accordingly if an unexplained health incident is reported in your mission. I understand that the State Department includes a briefing on this as part of the Ambassadorial seminar that you are required to attend.

- If confirmed, will you commit to attending the Ambassadorial seminar session on AHIs and seek a classified briefing with State Department?

Answer. I commit to participating in all aspects of the Ambassadorial seminar, including the briefing on Anomalous Health Incidents, and will seek further information in unclassified and classified meetings with the Coordinator of the State Department's Health Incident Response Task Force as well as relevant bureaus including Diplomatic Security and Intelligence and Research.

Question. If an incident occurs, please assure that you will do everything in your power to prioritize the health, treatment, and safety of our diplomats?

Answer. If confirmed as Ambassador to Zambia, I will make the health and safety of my staff my top priority. If confirmed, I will also commit to ensuring all reported incidents at Embassy Lusaka are treated seriously and quickly reported through the appropriate channels. I will ensure that any affected individuals receive prompt access to treatment and medical care.

Question. The Biden administration rightly prioritized protecting, improving, and expanding access to sexual and reproductive health care as one of ten key priorities in the National Strategy on Gender Equity and Equality. Across Africa, the unmet need for family planning is significant. Women and families struggle to access modern contraceptives or basic information to be able to make the right choices for their health and that of their families.

- If confirmed, do you commit to working with the respective USAID country missions, implementing partners and civil society to improve access and develop relationships to best administer the U.S.'s family planning programing?

Answer. Yes.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO MICHAEL C. GONZALES BY SENATOR MARCO RUBIO

Question. Zambia is among the world's top 10 producers of copper, which we all know is a critical component needed for computer chips, phones, and all sorts of electronics, including those used in military industries. The People's Liberation Army, the Chinese Communist Party's armed wing, knows that China alone does not produce enough copper to fight in a potential conflict with the U.S. military and has prioritized gaining control of international copper production.

- What is your understanding of CCP efforts to control Zambia's copper industry?

Answer. Beijing seeks to play an active role in Zambia, with a particular focus on its extractive industries. Beijing's failure to actively engage in multilateral debt

restructuring negotiations has delayed much needed economic and political reforms. PRC-based creditors continue to vie for large infrastructure projects, including the construction and refurbishment of critical infrastructure corridors linking copper mines to global markets. If confirmed, I will use U.S. assistance and diplomatic engagement with the Zambian Government to promote procurement and debt transparency and an improved business environment to allow open competition and fight corrupt or predatory deals.

Question. Are you concerned that ongoing debt restructuring negotiations between Zambia and its creditors provide the CCP with an opportunity to further cement their control on Zambia's mineral wealth? Why or why not?

Answer. Beijing's failure to participate in multilateral debt restructuring negotiations in a timely and constructive manner is a serious concern. It has obstructed the disbursement of a much-needed financial rescue package from the International Monetary Fund and obstructed the implementation of President Hakainde Hichilema's pro-market economic reform agenda. People's Republic of China (PRC)-based creditors own a sizable portion of Zambia's external debt, providing Beijing significant influence over the pace and progress of these negotiations. An urgent and lasting resolution is in the immediate interest of both Zambia and the United States, and if confirmed, I will use all available U.S. tools to advocate for such a resolution.

Question. If confirmed, what actions would you recommend the United States follow in order to prevent the PLA from assuming control of Zambia's mineral resources?

Answer. The United States uses its seat at Paris Club meetings and in the G20 Finance Track to call for Beijing's immediate and active participation in restructuring discussions. If confirmed, I would seek to continue and support the United States' leading role in debt restructuring negotiations and our ongoing efforts to support Zambia's economic renewal. If confirmed, I also would explore, highlight, and support efforts to improve the business climate and expand commercial opportunities for U.S. companies in Zambia's minerals sector. I will also advocate for and leverage U.S. assistance to promote procurement transparency and accountability.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO JOHN T. GODFREY BY SENATOR ROBERT MENENDEZ

Question. The October 2021 military coup in Sudan constituted a major setback for the hopes and aspirations of the Sudanese people and U.S. interests in the region. The U.S. failure to call a coup a coup undermined our standing in Sudan as an outspoken and unwavering voice for democracy and the rule of law. Resistance Committees across Sudan form the center of civilian led efforts to restore civilian governance and wrest power back from the military junta. The horizontal structure of the Resistance Committees, however, poses a challenge for traditional facilitation efforts. This demands a more creative response geared toward amplifying civilian voices within the UNITAMS-AU-IGAD process to counterbalance military leaders.

- As Ambassador, how will you work to elevate, strengthen, and amplify Resistance Committees and civil society voices in Sudan? How will you engage with Resistance Committees to support their ability to shape and influence the trajectory of the UNITAMS-AU-IGAD facilitated, but Sudanese-led, transition process.

Answer. This UNITAMS-AU-IGAD process is about finding a way for the Sudanese people to insert their voices into conversations about their country's future. I understand that during initial UNITAMS consultations, more than 800 individuals representing a broad cross-section of Sudanese society, including women, youth, and historically marginalized groups and areas, voluntarily met with UNITAMS. If confirmed, I would endeavor to meet regularly with a wide cross-section of the Sudanese pro-democracy movement, including Resistance Committees, civil society groups, journalists, human rights advocates, and political parties. It is imperative that Sudanese remain the leaders in this process and that Sudan's military leaders create conducive conditions for dialogue—ending violence against protestors, releasing detained activists, and lifting the State of Emergency. I would draw on direct engagement with the Resistance Committees to ensure their perspectives are accounted for in the UNITAMS-AU-IGAD facilitated transition process. I would urge pro-democracy activists to engage constructively and inclusively in that process. If confirmed, I will continue the work that our embassy and the broader international

community have been doing to support these groups, to ensure their inclusion in decision making processes, and to consult with them on and work to advance their equities.

Question. The scope of the control exerted by the Sudanese Armed Forces (SAF) and General Mohamed Hamdan Dagalo Hemedti's Rapid Support Forces (RSF) over the Sudanese economy is shocking. Combined, the SAF and RSF own as many as 400 companies involved in the banking, mining, and agriculture sectors among others. The RSF is actively working with the Russian Wagner Group to secure gold mines and export gold out of Sudan. The U.S. has tools for publicly imposing visa restrictions under 7031c and financial sanctions under GloMag on those responsible for serious human rights abuses and/or corruption. The decision to sanction the Central Reserve Police was seen in Sudan as symbolic but meaningless since no individuals were identified.

- Why hasn't the Administration sanctioned any senior level Sudanese security force officials or the companies they own since the October 2021 coup? Does the Administration have sanctions strategy for Sudan?

Answer. I understand that immediately following the military takeover, the United States paused and redirected U.S. foreign assistance to ensure that it did not benefit the Government of Sudan, and coordinated a pause in international credit, debt relief, and some development assistance that have been effective in limiting the military government's access to financial resources. I am aware that the U.S. Government designated the Central Reserve Police (on March 21, 2022) for serious human rights abuse in connection with use of excessive force against pro-democracy protesters. This designation underscored to other security actors that the international community will not tolerate such conduct. If confirmed, I will work with relevant colleagues at the Departments of State and the Treasury to determine how the use of Global Magnitsky or other sanctions authorities might advance our policy goals in Sudan and consider their use as appropriate. Prior to making any recommendation on potential additional use of sanctions authorities, I would want to more fully understand their likely impact on the behavior of military leaders, their practical impact on the military's ability to access financing, their impact on the Sudanese economy, and their relationship to our overall diplomatic strategy. If confirmed, I would also want to explore non-traditional methods beyond sanctions authorities to apply pressure to Sudanese military authorities. The recent U.S. Business Advisory was an important step in doing just that—highlighting the growing reputational and other risks to U.S. businesses and individuals associated with conducting business with Sudanese state-owned enterprises (SOEs) and military-controlled companies.

Question. Do you believe that imposing personal, targeted sanctions on members of the 'Hemedti' family and the myriad of companies he and his family own would be an effective tool for persuading the Sudanese military to restore civilian rule and return to their barracks?

Answer. If confirmed, I would support the use of all appropriate tools to deal with threats to our interests posed by any actors in Sudan who have impeded a transition to civilian rule, committed human rights abuses, or benefitted from corrupt economic practices. However, prior to making any recommendation on potential additional use of sanctions authorities, I would want to more fully understand their likely impact on the behavior of military leaders, their practical impact on the military's ability to access financing, their impact on the Sudanese economy, and their relationship to our overall diplomatic strategy. Beyond potential reliance on available sanctions authorities, I would, if confirmed, also want to explore non-traditional methods to apply pressure to Sudanese military authorities. The recent U.S. Business Advisory was an important step in doing just that—highlighting the growing reputational and other risks to U.S. businesses and individuals associated with conducting business with Sudanese SOEs and military-controlled companies.

Question. Many in Sudan believe that regional actors in north Africa and the Gulf are providing support to the junta and undermining efforts by the U.S. and other members of the international community to support UNITAMS and a return to civilian-led governance.

- How as U.S. Ambassador will you engage with your international counterparts, special envoys, and the U.S. interagency to increase pressure on regional actors to ensure that their policies toward Sudan and the military junta align with U.S. and international efforts to support democracy and a return to civilian rule?

Answer. There are a number of regional actors with longstanding interests in Sudan, and it is important that we closely coordinate with them to ensure that their efforts and ours align. If confirmed, I will work with international counterparts to underscore to regional actors that Sudan's long-term stability can only come through an inclusive political process that results in a civilian-led transition to democracy. Continued military rule or a deal among elites will not be acceptable to most Sudanese and will not be stable or sustainable. With the other members of the Friends of Sudan, we support an inclusive political process facilitated by UNITAMS, the AU, and IGAD as the best mechanism to establish a framework for a civilian-led transition to democracy in Sudan.

Communication and coordination are imperative. If confirmed, I would work closely with my colleagues in the Near Eastern Affairs Bureau and Special Envoy for the Horn of Africa to reinforce this message to regional partners and to urge that their policies and engagement advance that shared objective.

Democracy & 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. Throughout my career I have been involved in efforts to support democracy and human rights. In pre-revolution Syria, I led the Embassy's engagement with the civil society actors advocating for greater political participation and freedoms through the brief "Damascus Spring" until they were suppressed. Many of those individuals later became leading members of the Syrian opposition to President Bashar al-Assad.

In Turkmenistan, I led the Embassy's engagement in support of civil society and religious freedom—including attending trials, advocating for the release of detained activists, and helping a persecuted former Radio Free Europe/Radio Liberty correspondent exit the country and obtain asylum. I also coordinated closely there with international NGOs and the Organization for Security and Cooperation in Europe in their efforts to build civil society capacity and advocate on behalf of individual activists, and was seconded as an election monitor with OSCE in the Republic of Georgia in the 2004 election that saw Mikheil Saakashvili elected President.

In Libya, I led the Embassy's human rights advocacy with the Government and was the primary international interlocutor with the most prominent political dissident in the country at the time, whose detention, failing health and ultimate death became a point of friction between the al-Qadhafi regime and political forces in Benghazi and Eastern Libya in the context of the subsequent civil war. In Iraq, I urged political actors in Northern Iraq to participate in the March 2010 elections, monitored the elections in Ninewa Province, and was closely involved in the ultimately successful post-election effort to form a new Iraqi Government.

In Saudi Arabia, I led Embassy engagement with the Government on religious freedom, judicial reform, and human rights, with a particular focus on women's rights. I visited the Eastern Province and engaged the MFA and Human Rights Commission after the Kingdom executed 47 Shi'a, including prominent cleric Nimr al-Nimr, in January 2016 to urge measures to address Shi'a concerns and ease tensions. I worked closely with NSC staff to formulate points highlighting human rights concerns—especially cases of detained women activists and religious freedom issues—that President Obama raised during his visit in April 2016. I also worked with the Ministry of Justice to build judicial capacity and regularize legal processes outside the confines of sharia law, contributing to the modernization of one of the Government's most conservative ministries.

In the Counterterrorism Bureau, I helped lead efforts to incorporate "soft skills" such as community policing into civilian counterterrorism capacity programs and to develop partners' capacity to effect so-called law enforcement "finishes"—detecting, investigating, prosecuting, sentencing and incarcerating terrorists, as opposed to using military force to remove them from areas of active hostilities. Much of that effort entailed working to develop national legal frameworks for handling terrorism-related cases, directly contributing to rule of law and partner governments' ability to provide effective governance.

Question. What steps will you take—if confirmed—to support democracy in Sudan? What do you hope to accomplish through these actions? What are the potential impediments to addressing the specific obstacles you have identified?

Answer. Sudan is emerging from 30 years of brutal military dictatorship and the obstacles to Sudan's democracy are clear. Its security forces continue to play a role in the country's politics, possess a stranglehold over its economy, and fail to provide nationwide security. The immediate imperative is establishing a civilian-led transi-

tional government that leads the country toward democracy. After that, we must gather our international and Sudanese partners to build Sudan's institutions—including establishing legislative, judicial, transitional justice, and electoral mechanisms as well as redefining the military's role to focus on providing security to its citizens, rather than depriving them of it. Sudan has a strong history of political parties and civil society participation; the United States, international partners, and NGO's with expertise can help those actors develop platforms and organize themselves in a way that enhances competitive, multiparty democracy. If confirmed, I would pay particular attention to Sudan's historically marginalized areas to monitor the peace process and human rights issues and encourage participation in Sudan's political transition by those from those periphery areas.

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 Sudan? 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 meeting 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 Sudan. I would urge the Government to end harassment of NGO and civil society representatives active in the pro-democracy movement and to create conditions conducive to dialogue by releasing unjustly detained pro-democracy advocates, ending further detentions, ceasing the use of violence against protestors, ending the State of Emergency, and ensuring full access to Internet and cellular telephones to enable free communication between and expression by NGO, civil society and other activists. I would emphasize to all parties the importance of building Sudan's institutions, including establishing legislative, judicial, transitional justice and electoral mechanisms, and redefining the military's role to focus on providing security to its citizens, rather than depriving them of it.

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 commit to meeting regularly with a wide cross-section of the Sudanese pro-democracy movement, including Resistance Committees, civil society groups, journalists, human rights advocates, and political parties. Sudan has a strong history of political parties and civil society participation. The United States, international partners and NGOs with expertise can help those actors develop platforms and organize themselves in a way that enhances competitive, multiparty democracy. A democratic transition should have an enabling environment that allows all stakeholders to participate and freely express their views, without fear of violence. Full respect for freedoms of association, expression, and peaceful assembly is vital, as is progress toward transitional justice. Women, youth, and other marginalized groups have been at the forefront of the revolution since 2019, and their voices need to continue to be heard. A new civilian government will benefit from including these groups in deciding the future of their country.

If confirmed, I will continue the work that our embassy and the broader international community has been doing to be a vocal advocate for women, youth, and historically marginalized groups, ensure their inclusion in decision making processes, and consult with them about their equities and work with them to advance them.

Congressional Consultations

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 Sudan?

Answer. I greatly value the role of Congress in developing our policy on Sudan. If confirmed, I commit to brief Members of Congress and/or their staff when I am in Washington.

Anomalous Health Incidents

Question. I am very concerned about directed energy attacks on U.S. Government personnel (so-called Anomalous Health Incidents). Ensuring the safety and security of our personnel abroad falls largely on individual Chiefs of Mission and the response of officers at post. It is imperative that any individual who reports a suspected incident be responded to promptly, equitably, and compassionately.

- Do you agree these incidents must be taken seriously, and pose a threat to the health of U.S. personnel?

Answer. Yes, I agree that these incidents must be taken seriously and affirm that if confirmed the safety and security of embassy personnel and their families would be a top priority for me.

Question. If confirmed, do you commit to ensuring that any reported incident is treated seriously and reported quickly through the appropriate channels, and that any affected individuals receive prompt access to medical care?

Answer. If confirmed, I commit to ensuring that any reported incident is treated seriously and reported quickly through appropriate channels, and that any affected individuals receive prompt access to medical care. I would prioritize the health and safety of our embassy personnel and their family members.

Question. Do you commit to meeting with medical staff and the RSO at post to discuss any past reported incidents and ensure that all protocols are being followed?

Answer. If confirmed, I commit to meeting with medical staff and the RSO to discuss any past reported incidents and ensure that protocols are being followed.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO JOHN T. GODFREY BY SENATOR JAMES E. RISCH

Question. What is your perspective on why is the United States not leading the charge in restoring Sudan's civilian-led transition to democracy, but instead supporting a diplomatic and political path that continues to entrench military-led rule and the restoration of officials from the autocratic regime of Omar al-Bashir? As Ambassador, if confirmed, would you work to change this?

Answer. The United States is leading international efforts to support the UNITAMS-AU-IGAD facilitated process as the best vehicle to support an inclusive, Sudanese-led dialogue that leads to a framework for a civilian-led transitional government and a path to democratic elections. While progress has not been as quick as hoped, the broad-based consultations that UNITAMS-AU-IGAD are leading have identified areas of consensus among key stakeholders and have started to narrow differences among stakeholders' views on the preferred framework for a civilian-led transitional government. If confirmed, I will fully support the facilitators' work towards those goals as rapidly as possible. I will not, however, support shortcuts that result in another elite power-sharing arrangement, which would not be acceptable to the Sudanese people and would likely generate more civilian unrest.

Question. What steps would you pursue as Ambassador, if confirmed, to pursue accountability for those military and security officials responsible for the October 2021 coup in Sudan that resulted in the ousting of the civilian-led transitional government?

Answer. The October 21 seizure of power by Sudan's military destroyed the civilian-military partnership that had been at the heart of Sudan's transition to democracy. A new framework that clearly establishes a civilian transitional government is now urgently required to meet the demands of the Sudanese people for freedom, peace, and justice. Questions of accountability for those responsible for the military takeover lie at the heart of the ongoing Sudanese-led political process to establish such a framework. If confirmed, I will support fully the international facilitation efforts designed to help Sudanese stakeholders address these questions, will provide support to civilian actors participating in such efforts, and will continue to seek ways to apply pressure on military actors to engage constructively in the process, to create conditions conducive to political dialogue, and to cede power to civilians.

Question. At the end of 2020, Congress appropriated $700 million in Economic Support Funds (ESF) in the FY21 budget to support Sudan's democratic transition. Due to delays in programming the $700 million, and the October 25, 2021 coup that removed Sudan's civilian leadership from power, the majority of the $700 million remains unobligated and is set to expire on September 30, 2022.

- What are your priorities for the balance of the $700 million in ESF for Sudan?

Answer. I understand that the Administration has drafted a notional spend plan for part of the $700 million in Title IX Economic Support Funds and has begun consultations with Congressional staff to seek feedback and input on the notional plan. I know that the Administration welcomes advice and input from Congress on its proposal and wants to work closely with Congress in shaping the final plan. If con-

firmed, I am committed to working closely with Congress to ensure that these funds are used to support establishment and furtherance of a civilian-led transition to democracy in Sudan. I have not been involved in developing the specifics of the notional spend plan, but I understand that it focuses on technical assistance to the UNITAMS-AU-IGAD facilitated political process; support to pro-democracy actors; documenting human rights abuses and economic and political corruption; supporting peace-building in historically marginalized areas; and food security and resilience.

Question. If confirmed, you will be the first U.S. Ambassador to Sudan in 25 years. This comes at a time when the country is led by a military junta that came to power via coup.

- How do you plan to approach your role as Ambassador in a way that doesn't legitimize the military but instead, restores the Sudanese people's trust in the U.S. as a partner and ally?

Answer. If confirmed, I would prioritize public and private engagement with pro-democracy elements—including resistance committees, civil society groups, journalists, human rights activists, and political parties—to make clear the values for which the United States stands and our support for the Sudanese people and their aspirations for civilian rule. If confirmed, I will also ensure—publicly and privately—that our condemnation of the military takeover and the military regime's human rights abuses are clearly understood. I will continue the work our Embassy has been doing in supporting our longer-term goal of a democratic, human rights-respecting Sudan ruled by civilians and whose military protects the country's borders and its people.

Question. What will be your approach to collaborating with a Special Envoy to the Horn of Africa, if one is nominated and appointed, to ensure that a cohesive and effective Sudan strategy is developed and implemented?

Answer. If confirmed, I would welcome the opportunity to work closely with a Special Envoy for the Horn of Africa, if one is appointed. This position has played an important role in engaging regional and international partners on the intersecting issues at play in the Horn of Africa. I would view our work as complementary and would seek to collaborate closely on issues related to Sudan, including developing and implementing a cohesive and effective Sudan strategy, and communicating to regional actors with longstanding interests in Sudan that Sudan's long-term stability can only come through an inclusive political process that results in a civilian-led transition to democracy. Continued military rule or a deal among elites will not be acceptable to most Sudanese and will not be stable or sustainable.

Question. The root causes of the October 25th coup and the current situation, including the military's involvement in all sectors of the economy, rampant corruption, and the lack of accountability, have failed to be addressed.

- How do you think the U.S. can be most helpful in not only supporting a process to achieve genuine democracy in Sudan but to bring about security sector reform, transitional justice and limiting the economic role of the military?

Answer. The systematic weakening of civilian institutions during decades of military rule has enabled political and economic domination by Sudan's military. While the immediate priority for the United States and the international community is to facilitate agreement on the framework for a credible, civilian government, this will need to be rapidly followed by extensive technical and financial support to strengthen the civilian institutions of such a government. Moreover, the United States and international partners will need to focus on policy advocacy for free market economic reforms that end preferential treatment for companies linked to the security services, facilitate the development of a vibrant civilian private sector, and redirect state resources to civilian institutions. Priority should be given to assisting a future civilian government with the recovery of assets stolen by the former regime and its military allies in a manner consistent with the rule of law.

The integration of Sudan's competing militaries and private armed movements will ultimately require international advice and support. U.S. engagement in this area could be valuable but should be predicated on a requirement for clear civilian control of these institutions. The development of transitional justice mechanisms in line with Sudanese desires will be required to enable the country to deal with the legacy of human rights abuses and economic crimes committed over several decades. Immediate work by the United States to assist civil society organizations with the documentation of abuses and collection and preservation of evidence would have immediate value. Longer term engagement to assist Sudanese stakeholders in the design and implementation of credible transitional justice mechanisms and programs and sustained advocacy for victims should also be prioritized.

Question. Russia has provided material support and hosted Sudan's coup leaders in Moscow the day Russia's invasion into Ukraine began. Russia has been moving closer to an agreement to establish a naval base in Sudan, in exchange for material hardware including anti-aircraft missile systems, fighter jets and other supplies. Such a base would expand Russia's ability to project power in the Red Sea and Indian Ocean.

- Given Russia's long-standing support for authoritarian governments, how can the U.S. best counter Russia's influence and support for the coup leaders?

Answer. I am gravely concerned by reports that Russia is seeking a logistical base along Sudan's Red Sea Coast, as are a number of Sudan's regional neighbors. While sovereign countries have their choice of partners, Russia has made clear that it does not respect countries' sovereignty. Should Sudan's military government pursue implementation or renegotiation of the Port Sudan agreement—or pursue any other form of security cooperation with Russia—it would further isolate itself. I will reiterate to Sudanese leadership the risk of working with Russia and Russian-backed groups, including and especially Yevgeniy Prigozhin's network. These groups exploit instability to advance Kremlin and private Russian interests across the continent. I would coordinate with regional partners to urge them to convey similar concerns to Sudan's military leaders.

Question. Sudanese security forces continue to violently attack peaceful protesters and medical personnel, and to arrest former civilian government officials, journalists, and critics of the junta. The military leadership has proven it doesn't have the interest of the population and won't respect agreements it has committed to. The State Department has asserted that the U.S. supports the UNITAMS process, which has the goal of "supporting Sudanese stakeholders in agreeing on a way out of the current political crisis and agree on a sustainable path forward towards democracy and peace." SRSG Volker Perthes has insisted that the military must be part of the dialogue, while the pro-democracy youth activists have insisted that the military should not have a seat at the table.

- How can the U.S. play a more significant role in supporting the priorities of civil society and the pro-democracy movement that insists on a civilian-only government?

Answer. The United States has been clear in our view that the Sudanese military's actions on October 25 irrevocably broke the civilian-military partnership that lay at the heart of the previous transitional agreement. We have also been clear that a new transitional framework that sees the military exit politics is required. Robust U.S. advocacy for such a framework is an important source of support for Sudan's pro-democracy movement and, if confirmed, I would continue such advocacy within the UNITAMS-AU-IGAD facilitated political process. I would also seek to ensure that Sudan's pro-democracy movement had the technical support required to translate its vision into a viable transitional government framework, to defend its interests effectively within the UNITAMS-AU-IGAD political process, and to sustain pressure on the military to cede power to civilians. I would seek out opportunities to apply further U.S. diplomatic and financial pressure on those blocking the transfer of power to civilians and would work closely with international partners to work to develop a plan of support to assist a new civilian transitional government to succeed.

Question. The trilateral mechanism, consisting of the African Union, IGAD and UNITAMS, is currently engaged in a facilitated dialogue with the goal of finding a path forward for democratic transformation. UNITAMS is grossly under-resourced and there are questions on other members of the process being genuinely invested in supporting democracy.

- What is your perception of the tripartite UNITAMS/AU/IGAD effort to support negotiations to return Sudan to a civilian-led democratic transition?

Answer. The United States has joined other members of the Friends of Sudan in supporting the UNITAMS-AU-IGAD facilitated process as the best mechanism to establish a framework for a civilian-led, democratic transition in Sudan. UNITAMS has a U.N. Security Council mandate for this sort of "good offices" work, an on-the-ground presence in Khartoum, and established relationships with Sudanese stakeholders, including relationships of trust with actors beyond the traditional elite. The co-facilitation of the AU and IGAD, which have relationships of their own with important actors in Sudan, is important to help ensure the full support of African partners for the process. It is imperative that Sudanese remain the leaders in this process and that the security forces create conducive conditions for it—halt the use of violence, release detained activists, cease unjust detentions of activists, and lift the

state of emergency to allow participation by all actors. It is also important that pro-democracy activists engage constructively and inclusively in the UNITAMS-AU-IGAD facilitated process.

Question. If confirmed, how do you plan to approach the tripartite UNITAMS/AU/IGAD process and current dialogue?

Answer. If confirmed, I will work closely with UNITAMS, AU, and IGAD leadership on the ground to provide diplomatic support for facilitation efforts and ensure the U.S. Government is responsive to any technical assistance requirements that the facilitation has. I understand UNITAMS has already augmented its staffing and technical capacity with support from the U.N. mediation unit. I also understand both the State Department and USAID are looking to provide coordinated support to augment areas of need, including legal expertise and training for civil society, in support of the UNITAMS-AU-IGAD effort. If confirmed, I will also work closely with key international partners to ensure that our efforts to support the UNITAMS-AU-IGAD process are coordinated and complementary. I am committed to continuing to support effective on-the-ground coordination mechanisms such as the Ad Hoc Support Group, which I understand our Embassy leadership currently convenes at the facilitators' request.

Question. In your opinion, is the involvement of the AU and IGAD helping or hindering the current situation?

Answer. The co-facilitation of the AU and IGAD, which have relationships of their own with important actors in Sudan, is important to help ensure the full support of African partners for the process, which is vital. If confirmed, I will work closely with the facilitators and, in coordination with the U.S. Mission to the AU and other colleagues, the AU and IGAD more broadly to align efforts related to supporting a democratic transition in Sudan.

Human Rights

Question. In the State Department's 2021 Trafficking in Persons Report (TIP), Sudan was upgraded to Tier 2 for overall efforts to meet the minimum standards to eliminate trafficking, including ceasing to recruit and use child soldiers, implementing amendments to its national laws about trafficking, and investigating more trafficking cases.

- How will you work with the Sudanese to address these issues if you are confirmed as Ambassador, particularly given the situation post-October 25, 2021?

Answer. If confirmed, I will work closely with the State Department's Trafficking in Persons office and others within the interagency to continue engagements with the Government and with civil society that seek to encourage improvement of government efforts to investigate and prosecute trafficking cases, reform laws as needed, and to identify and support victims. I would also continue engaging the Government and other forces to ensure the cessation of the recruitment of child soldiers is sustained.

Question. If confirmed, what concrete steps could you take to help Sudan operationalize the prioritized recommendations contained in the TIP report?

Answer. I understand that Sudan made progress that resulted in its movement off the TIP watchlist in 2021. If confirmed, I would look to build on that progress to encourage greater efforts in legal reform and victim identification and support.

Question. In the State Department's 2020 International Religious Freedom report, Sudan was identified as lacking societal and governmental respect for religious freedom.

Answer. If confirmed, I will support efforts to monitor and report on religious freedom, and to encourage steps by the Government to ensure respect for the practice of all faiths.

Question. What is your assessment of this particular issue and if confirmed, how will you work with the Ambassador-at-Large for International Religious Freedom to bolster religious freedom in-country?

Answer. The Ambassador-at-Large and the Office for International Religious Freedom have a long history of engaging the Sudanese Government and with religious leaders of many faiths representing Sudan's diversity of belief and practice. If confirmed, I look forward to maintaining these relationships, to coordinating closely with the Ambassador-at-Large for International Religious Freedom, and to building on previous work to urge progress toward greater religious freedom in Sudan.

Question. If confirmed, do you commit to personally engaging with civil society on this issue?

Answer. Yes, I commit to engaging civil society on this issue.

Question. If confirmed, what concrete steps can you take to help Sudan increase their societal and governmental respect for religious freedom?

Answer. If confirmed, I would engage with representative leaders of Sudan's faith communities and other stakeholders to learn more about the status of religious freedom and their most pressing concerns about societal and governmental respect for religious freedom. I would coordinate with those stakeholders and representatives of international communities of interest to urge the Government to take specific steps to address those concerns, including any legal or legislative measures needed to codify protection of religious freedoms.

Question. In the State Department's 2021 Human Rights Report, Sudan was identified as having numerous, significant human rights abuses.

- If confirmed, what steps will you take to address these instances with the host government, particularly given the situation post-October 25, 2021?

Answer. If confirmed, I will focus in the near-term on pressing for respect for freedom of expression and assembly, an end to the use of violence against protesters, release of individuals unjustly detained, an end to the State of Emergency, and the protection of civilians in Darfur and other conflict areas. Improvements in these areas are urgently needed to create an environment conducive to an inclusive political dialogue leading to a framework for a civilian-led transitional government.

Question. How will you direct Embassy Khartoum to work with civil society organizations to improve the human rights situation on the ground?

Answer. If confirmed, I will work with the Embassy and Mission to support efforts by civil society organizations to document and preserve evidence of human rights abuses needed to facilitate future efforts to hold those responsible accountable, including through formal and informal transitional justice efforts. I would also support continued efforts to provide assistance to civil society groups in areas related to good governance, anti-corruption and peacebuilding, as well as legal expertise needed to support those groups' efforts.

Sudan in the United Nations

Question. The Office of Multilateral Strategy and Personnel (MSP) in the State Department's Bureau of International Organizations is leading a whole-of-government effort to identify, recruit, and install qualified, independent personnel at the United Nations (U.N.), including in elections for specialized bodies like the International Telecommunications Union (ITU). There is an American candidate, Doreen Bodgan-Martin, who if elected would be the first American and first woman to lead the ITU. She is in a tough race that will require early, consistent engagement across capital and within the U.N. member states.

- If confirmed, do you commit to demarching the Sudanese Government and any other counterparts necessary to encourage their support of Ms. Bogdan-Martin?

Answer. Yes, I commit to demarching the Government of Sudan and any other counterparts as appropriate to encourage support for the American candidate.

Question. If confirmed, how can you work with the Bureau of International Organizations and other stakeholders to identify, recruit, and install qualified Americans in positions like the Junior Program Officer (JPO) program at the U.N.?

Answer. The appointment and election of qualified and independent candidates to positions in the U.N. system is critical to ensuring that the U.N. operates effectively and in line with its foundational principles and values. Qualified U.S. citizens bring strong technical and policy skills that enhance the performance and outcomes within the U.N. system, which in turn bolster our efforts on U.N. reform and good governance. The Bureau of International Organization Affairs has established a new office focused in part on managing, supporting, and coordinating elections and appointments for qualified U.S. and likeminded candidates for leadership roles in in the U.N. system. That office works closely with posts and embassies, such as Embassy Khartoum, to ensure the United States is well-positioned to identify and advocate on behalf of interested candidates for key positions across multiple U.N. organizations and agencies. If confirmed, I will prioritize engaging our partners and allies to vigorously advocate for placement of well-qualified applicants and candidates, including U.S. citizens, at the U.N. and in specialized and technical agencies.

State Department Management and Public Diplomacy

Question. Many U.S. missions have been under enormous stress over the last few years, in large part due to COVID.

• What is your understanding of morale throughout Mission Khartoum?

Answer. I understand that the challenging environment, including the security situation, political developments in the host country and the workload occasioned by them, has put strains on morale at post. Having served in hardship and danger posts, I recognize the challenge that the host country environment and security restrictions can pose for morale and staff recruitment. I also know that morale is often highest at hardship posts at which people feel they work they do is uniquely important. If confirmed, I am committed to doing everything I can to create an environment in which people fully recognize the importance of the mission in which they are engaged, receive the support they need to do their jobs effectively, and are able to work in an atmosphere that is safe, respectful and supportive, and in which morale is high and performance is rewarded.

Question. How do you intend to improve morale at Mission Khartoum?

Answer. If confirmed, I am committed to doing everything that I can to create an environment in which people fully recognize the importance of the mission in which they are engaged, morale is high, and performance is rewarded. That includes focusing on ways in which the Embassy Front Office can provide support and lift to teammates' efforts, which in turn depends on ensuring that members of staff clearly understand the goals the Mission is trying to advance and how their work fits into those efforts. It also entails understanding and providing the support they need to do their jobs effectively and sustaining an Embassy environment that is safe, respectful, and supportive. Clear, consistent communication and signaling openness to input and feedback—including in meetings with each member of the Embassy team—are critical and would be a high priority for me if I am confirmed. I would also leverage Town Halls to foster conversations about management, security, and other issues of concern to the Embassy community.

Question. How do you intend to create a unified mission and vision at Mission Khartoum?

Answer. If confirmed, I would make clear from my first day on the ground the expectation that all agencies at post will function as a single team. I firmly believe that if properly structured and run, the Embassy Country Team is one of the most effective interagency coordination mechanisms in government. I would focus on ensuring that interagency representatives at post are appropriately included in Country Team deliberations and that agency and section heads keep their respective teams closely apprised of those conversations. I would also prioritize regular meetings with individual offices and sections to ensure that they clearly understand the goals the Mission is trying to advance and how their work fits into those efforts, and that they have opportunity to provide input and feedback. I would leverage Town Halls to foster conversations about management, security, and other issues of concern to the Embassy community, emphasizing the importance of providing people what they need to do their jobs effectively and to sustaining an Embassy environment that is safe, respectful, and supportive.

Question. Management is a key responsibility for Chiefs of Mission. How would you describe your management style?

Answer. I would describe my management style as one that is focused on clearly and regularly communicating strategic goals, understanding operational details to understand how leadership can support and give lift to teammates' efforts, and ensuring that people have what they need to do their jobs and a safe, respectful, and supportive environment, all with the overall goal of driving results that advance U.S. interests. I am a strong believer in what former Secretary of State Shultz called "walking around management"—meeting people in their workspaces to keep a finger on the pulse of the Mission, understand what concerns people have and what is on their minds, and build relationships of trust that can be critical in times of crisis. I prioritize giving clear guidance and establishing high standards for the quality of the team's work, and emphasizing the importance of expressing views, especially if they differ from my own.

Question. Do you believe it is ever acceptable or constructive to berate subordinates, either in public or private?

Answer. I do not believe that it is ever acceptable or constructive to berate subordinates, either in public or in private.

Question. How do you envision your leadership relationship with your Deputy Chief of Mission?

Answer. The relationship between a chief of mission and Deputy Chief of Mission is essential to the effective operation of any Embassy. In my experience the best COM-DCM relationships are a partnership in which there are no publicly perceived differences of view between the two, in which it is clear that the DCM speaks for the COM in her/his absence, and in which the DCM is understood to have the lead on managing Embassy operations as the de facto chief operating officer. It is also vitally important that there be trust between the COM and the DCM and that the DCM feel empowered to privately provide candid counsel to the COM, especially when that advice does not comport with the COM's views.

Question. If confirmed, what leadership responsibilities do you intend to entrust to your Deputy Chief of Mission?

Answer. If confirmed, I would want to assess upon arriving at Post what specific leadership responsibilities I would entrust to my Deputy Chief of Mission. I would anticipate that those would include, inter alia, leading management of Embassy operations as the chief operating officer-equivalent; counseling, mentoring, and supporting the career development of entry-level and mid-level staff; fostering collaboration between interagency representatives at post; and engaging senior host government, international and U.S. interagency counterparts when I am unavailable.

Question. In order to create and continue employee excellence at the Department, accurate and direct employee evaluation reports (EERs) for Foreign Service Officers are imperative, though often lacking.

- Do you believe that it is important to provide employees with accurate, constructive feedback on their performances in order to encourage improvement and reward those who most succeeded in their roles?

Answer. I believe that it is very important to provide employees with accurate, constructive feedback on their performances in order to encourage improvement and reward performance. That includes conveying assessments through employee evaluation reports (EERs) and via the regular counseling sessions that are prescribed as part of the EER cycle.

Question. If confirmed, would you support and encourage clear, accurate, and direct feedback to employees in order to improve performance and reward high achievers?

Answer. If confirmed, I would support and encourage providing clear, accurate and direct feedback to employees—including through employee evaluation reports (EERs) and the regular counseling sessions that are prescribed as part of the EER cycle—to improve and reward performance.

Question. It is imperative that U.S. diplomats get outside of posts abroad to meet with local actors, including host government officials, non-government organizations, and fellow foreign diplomats stationed in Sudan.

- In your opinion, do U.S. diplomats get outside of our Embassy walls enough to accomplish fully their missions?

Answer. I strongly believe that U.S. diplomats must get outside the walls of the Embassy and outside capital cities to meet with local actors and establish constructive relationships that inform a sophisticated understanding of the countries to which they are assigned. I believe it is important that we provide clear information on U.S. policy to the foreign publics with whom we engage. If confirmed, I would prioritize engagement with pro-democracy elements—including resistance committees, civil society groups, journalists, human rights activists, and political parties—at all levels to make clear the values for which the United States stands and our support for the Sudanese people and their aspirations for civilian rule. If confirmed, I will also ensure that our condemnation of the military takeover and the military regime's human rights abuses are clearly understood. In all of those efforts I would pay particular attention to Sudan's periphery areas to monitor the peace process and human rights issues, and to encourage participation in Sudan's political transition from those in historically marginalized areas. I would encourage our officers to travel to periphery areas, with the appropriate security measures, to engage Sudanese interlocutors there directly and to gather information to inform efforts to advance our objectives in Sudan.

Question. How do you intend to improve the ability of U.S. diplomats to better access all local populations?

Answer. If confirmed, I intend to clearly communicate our policy goals to members of the Embassy team, explain how their work helps advance those goals, and work with management and security officials to assess what further resources might be needed to enable our diplomats to get outside the Embassy and outside the capital to engage local interlocutors. I would make it clear that such engagement is a high priority and would work closely with the Deputy Chief of Mission, Regional Security Officer, and Management Officer to ensure that related security and management support is provided to the maximum extent possible.

Question. Public diplomacy is an important aspect of U.S. foreign policy efforts. What is the public diplomacy environment like in the Sudan?

Answer. My understanding is that despite years of tense relations with the Government, the Embassy maintains a robust public diplomacy platform allowing for regular direct interactions with the Sudanese public and the development of strong relationships with a range of stakeholders. The Sudanese people remain interested in the United States and having a relationship with it at the people-to-people level. If confirmed, I look forward to further building those relationships.

Question. What public diplomacy challenges do U.S. diplomats face there?

Answer. Limited internet access and government restrictions on speech and assembly are primary challenges that Sudanese face, especially as it relates to U.S. public diplomacy. The United States can play a significant role in supporting freedom of expression and countering digital authoritarianism in Sudan. That has to date included repeated calls to the Sudanese Government to lift its declared state of emergency and allow full availability of internet and cellular communications. If confirmed, I look forward to working with the State Department's newly established Bureau of Cyberspace and Digital Policy, as well as other interagency partners and Congress, to urge an end to restrictions on speech and assembly and combat digital authoritarianism.

Question. How do you balance the importance of Main State versus the in-country mission when it comes to tailoring public diplomacy messages for foreign audiences?

Answer. I believe it is important that we provide clear information on U.S. policy to the foreign publics with whom we engage. If confirmed, I would prioritize direct engagement with pro-democracy elements—including resistance committees, civil society groups, journalists, human rights activists, and political parties—to make clear the values for which the United States stands and our support for the Sudanese people and their aspirations for civilian rule. If confirmed, I will also ensure that our condemnation of the military takeover and the military regime's human rights abuses are clearly understood. Doing so effectively requires a mix of messaging from Washington and Embassy Khartoum.

Question. "Anomalous health incidents," commonly referred to as "Havana Syndrome," have been debilitating and sidelining U.S. diplomats around the world for years. They have caused serious, negative consequences for U.S. diplomacy, yet many believe that the Department is not doing enough to care for, protect, and communicate to its personnel. The past occurrences and ongoing threat of anomalous health incidents among Embassy personnel and their families poses a serious challenge to morale. When personnel at post fear for their safety or doubt that their case will be taken seriously if they were affected, the performance of Embassy operations can suffer.

- If confirmed, do you commit to taking this threat seriously?

Answer. Yes, if confirmed I commit to take these threats seriously and would do everything in my power to prioritize the health, safety, and treatment of our Embassy personnel and their families in Sudan.

Question. If confirmed, do you commit to talking as openly as you can to Mission Khartoum personnel?

Answer. I firmly believe that clear, consistent communication is a vital component of any well-functioning team. If confirmed, I commit to talking as openly as I can with Mission Khartoum personnel.

Question. Have you received a briefing on the anomalous health incidents that have occurred to U.S. Government personnel around the world, including at U.S. embassies and other diplomatic posts? If you have not, and if you are confirmed, do you commit to receiving a briefing on the incidents before you depart for your post?

Answer. Yes. I have attended the Ambassadorial seminar session on AHIs in advance of my anticipated departure for post and have received a classified briefing

on this matter. I will seek further information in unclassified and classified meetings with the Coordinator of the State Department's Health Incident Response Task Force as well as relevant bureaus, including Diplomatic Security and Intelligence and Research.

Question. In the event of an anomalous health incident among your Embassy personnel or eligible family members, do you commit to maintain detailed records of the incident, and share the information with the State Department and other embassies to contribute to the investigation of how these attacks are affecting U.S. missions and personnel around the world?

Answer. Yes, if confirmed I commit to working with Diplomatic Security and other interagency representatives in investigating potential anomalous health incidents, to maintaining detailed records of the incident(s), and to sharing that information with the State Department and other embassies to contribute to the assessment of how these attacks are affecting U.S. missions and personnel around the world.

Question. Whether or not anomalous health incidents occur at your Embassy, how will you work to restore and preserve morale that may be lost due to the knowledge these attacks have been occurring at posts around the world?

Answer. If confirmed, I would in the case of any anomalous health incident prioritize the health and safety of our Embassy personnel and their family members and do everything in my power to ensure that those impacted receive proper treatment. Communication is critical. If confirmed, I will keep my team informed, talk with them as openly as I can, ensure I have a good understanding of their concerns, and do all that I can—including working with Washington colleagues to get needed resources—to create a safe environment for them to carry out the Mission's work.

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FOLLOW UP QUESTIONS SUBMITTED TO
JOHN T. GODFREY BY SENATOR RISCH

Question. In your response to an initial question, you stated: "Questions of accountability for those responsible for the military takeover lie at the heart of the ongoing Sudanese-led political process to establish such a framework."

- How can "the ongoing Sudanese-led political process" credibly address "questions of accountability for those responsible for the military takeover" when a significant party to the "process" to "establish a new framework that clearly establishes a civilian transitional government," is the military—which has and continues to commit atrocities - and the coup leaders?

Answer. The main goal of the tripartite political process is to establish an agreed-upon framework among all stakeholders for a civilian-led transitional government in Sudan. Discussions about an agreement on the broad framework for justice and accountability and other core transitional tasks for the transitional period will need to be an integral part of negotiations among stakeholders. It will ultimately be the responsibility of the institutions of a civilian-led transitional government and future democratically elected governments to finalize the specifics of and implement accountability mechanisms. If confirmed, I would work with international partners and civilian stakeholders to ensure that any framework agreement for a transition provides future governments with the space to do so effectively and in line with the democratic aspirations of the Sudanese people. I would also coordinate with partners to press the military to ensure that the tripartite facilitated political process moves forward in an environment that allows all stakeholders to participate and freely express their views, without fear of detentions or violence. Full respect for freedoms of association, expression, and peaceful assembly is vital.

Question. How will you appropriately balance your full support for "the international facilitation efforts designed to help Sudanese stakeholders address these questions (of accountability for the coup)" while also avoiding supporting "fully" a process that is heavily dependent on the acquiescence and endorsement of the same military leaders who carried out the October 25 coup?

Answer. Broad-based Sudanese-led discussions under the tripartite-facilitated political process represent the best foreseeable vehicle to establish a framework for a civilian-led transitional government in Sudan. As we saw in the initial stakeholder consultations undertaken by UNITAMS, all stakeholders recognize that the Sudanese people are demanding that this new framework be predicated on full civilian control of transitional government institutions, in contrast with

the civilian-military partnership under the rubric of the previous transitional government. The tripartite facilitation is working towards a framework agreement based on that desire for a civilian-led transitional government, which would undertake core transitional tasks, such as finalizing the specifics of and implementing accountability measures. If confirmed, I would continue to emphasize the importance of proceeding along these lines. If confirmed, I would also continue emphasizing to senior military leaders the imperative of fully handing power over to a civilian-led transitional government, the costs of failing to do so, and our abhorrence of the violations and abuses of the human rights of the Sudanese people.

Question. In your answers to earlier questions, you stated that you understand the Administration's "notional spend plan for part of the $700 million in Title IX Economic Support Funds ... focuses on technical assistance to the UNITAMS-AU-IGAD facilitated political process; support to pro-democracy actors; documenting human rights abuses and economic and political corruption; supporting peace-building in historically marginalized areas; and food security and resilience."

- Do you support the inclusion of "food security and resilience" as part of this spend plan? Please explain your answer.

Answer. Based on my understanding of the proposed spend plan, I believe that this is a sensible proposal. However, if confirmed I would want to review the specifics of the proposal with the Embassy Country Team and interagency partners before reaching a definitive judgment. I am gravely concerned about Sudan's deteriorating economy, which I understand has been characterized by a reduction in household purchasing power, domestic food shortages, and sharply rising prices. If left unaddressed, this has the potential to negatively impact Sudan's pro-democracy movement and further strengthen the hand of the military. I also recognize the potential for agricultural development to increase household income and undercut the economic dominance of Sudan's military, particularly in historically marginalized communities. If confirmed, I would want to ensure that the food security and resilience projects being proposed will have a quick and meaningful impact that directly advances Sudan's pro-democracy movement, are distinct from and reach a different target audience than our critical humanitarian assistance programs, and appropriately prioritize development of a non-military-controlled private sector economy.

Question. Given your understanding of the "notional (ESF) spend plan," and what you understand as the urgent priorities given the current political context in Sudan, what should be the top priority for these funds among the many put forward by the Administration during its consultations with Congress?

Answer. The top priorities should be technical assistance to the UNITAMS-AU-IGAD facilitated political process; support to pro-democracy actors as they press to establish a civilian-led transition to democracy; documentation of human rights abuses and economic and political corruption; and supporting peace-building in historically marginalized areas. These are all key elements in supporting the Sudanese people as they seek to effect change and erode military dominance.

Question. Do you commit if confirmed, to making yourself available to the committee to discuss the use of the $700 million and other bilateral assistance to Sudan?

Answer. If confirmed, I commit to making myself available to the committee to discuss the use of the $700 million and other bilateral assistance to Sudan.

Question. In an earlier response, you stated: "It is also important that pro-democracy activists engage constructively and inclusively in the UNITAMS-AU-IGAD facilitated process."

- Do you agree that the reason many "pro-democracy activists" may not "engage constructively and inclusively" in a tripartite facilitated process is that it includes as parties to the negotiations leaders of a military junta that have betrayed the people of Sudan, including carrying out a coup against the previous civilian-led transitional government?

Answer. There are a range of reasons why some pro-democracy activists are hesitant to engage constructively and inclusively in the political process, including reservations about the military-led government's sincerity given its takeover of government on October 25. That is an important part of the reason why we continue to press military leaders to undertake further confidence building

measures such as ending violence against protestors, releasing those who have been unjustly detained and refraining from reimposing the state of emergency. Doing so would demonstrate the military's commitment to the tripartite process and political dialogue as well as help create an environment in which all stakeholders feel they can safely participate in that process. For this process to succeed it is vital that it be inclusive. If confirmed, I will urge all Sudanese political actors to seize the opportunity the UNITAMS-AU-IGAD facilitated political process offers to establish a civilian-led transition to democracy and stability.

Question. What specific steps will you take, if confirmed, to build stronger links with those pro-democracy activists who still have such a distrust of the leaders of Sudan's military junta that they cannot and will not bring themselves to participate "constructively and inclusively" in a dialogue process they view as fundamentally flawed?

Answer. I understand that during the initial UNITAMS consultations, more than 800 individuals representing a broad cross-section of Sudanese society, including women, youth, and members of historically marginalized groups and areas, voluntarily met with UNITAMS. I believe that maintaining contacts with as broad a range of actors as possible, including those who do not participate in formal political processes, is a critical responsibility of any U.S. ambassador. If confirmed, I would endeavor to meet regularly with a wide cross-section of the Sudanese pro-democracy movement, including Resistance Committees, civil society groups, journalists, human rights advocates, and political parties. I would continue efforts to press Sudan's military leaders to create conditions conducive to dialogue - ending violence against protestors, releasing activists who have been unjustly detained, and refraining from reimposing the state of emergency. I would draw on direct engagement with the Resistance Committees and other pro-democracy activists to ensure their perspectives are accounted for in the UNITAMS-AU-IGAD facilitated transition process, would explore whether specific confidence building measures could help allays their concerns about participating, and would urge them to engage constructively and inclusively in it. If confirmed, I will continue the work that our embassy and the broader international community have done to support members of historically marginalized groups, to ensure their views are reflected in decision making processes, and to consult with them on and work to advance their equities.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO JOHN T. GODFREY BY SENATOR JEANNE SHAHEEN

Question. I have been closely following increased reports of directed energy attacks that have affected U.S. Government employees. As nominees to a role of Ambassador, I want to ensure that you are sufficiently prepared to respond accordingly if an unexplained health incident is reported in your mission. I understand that the State Department includes a briefing on this as part of the Ambassadorial seminar that you are required to attend.

- If confirmed, will you commit to attending the Ambassadorial seminar session on AHIs and seek a classified briefing with State Department?

Answer. Yes. I have attended the Ambassadorial seminar session on AHIs and a classified briefing on this matter in advance of my departure for post. If confirmed, the safety and security of embassy personnel and their families would be a top priority for me.

Question. If an incident occurs, please assure that you will do everything in your power to prioritize the health, treatment, and safety of our diplomats?

Answer. If confirmed, in the case of any anomalous health incident, I would prioritize the health and safety of our diplomats and their family members and ensure that those impacted receive the proper treatment.

Question. The Biden administration rightly prioritized protecting, improving, and expanding access to sexual and reproductive health care as one of ten key priorities in the National Strategy on Gender Equity and Equality. Across Africa, the unmet need for family planning is significant. Women and families struggle to access modern contraceptives or basic information to be able to make the right choices for their health and that of their families.

- If confirmed, do you commit to working with the respective USAID country missions, implementing partners and civil society to improve access and develop relationships to best administer the U.S.'s family planning programing?

Answer. Yes. If confirmed, I commit to working with USAID and embassy partners to improve access and develop relationships to administer U.S. family planning programming.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO JOHN T. GODFREY BY SENATOR MARCO RUBIO

Question. As you know, the previous administration had instituted a number of policies in 2020 to support the then-transitional Government of Sudan. This included rescinding Sudan's designation as a state sponsor of terror, announcing an intention to appoint an Ambassador for the first time in decades, and hundreds of millions of dollars in development spending. I'm also aware that the previous administration had pushed Sudan to normalize its relationship with Israel and join the ″Abraham Accords.″ Among the consequences of the coup of last October, the U.S. had paused the nearly $700 million in development assistance intended for Sudan in fiscal year 2021.

- Do you envision the post-coup Government of Sudan to walk back its commitment to the Abraham Accords if U.S. development spending is not allowed to proceed to Sudan?

Answer. The commitments made to the Abraham Accords were made by the Civilian Led Transitional Government led by Prime Minister Hamdok. Since seizing power, the Sudanese military authorities have taken no steps to roll back their commitments to improving relations with Israel.

Question. If confirmed, will you advocate to rescind foreign aid to Sudan indefinitely if the post-coup government reverses normalization of relations with Israel?

Answer. The United States strongly supported the efforts of Sudan's former civilian-led transitional government to improve the country's relationship with Israel. Since the military's seizure of power, we have suspended delivery of outstanding U.S. commitments linked to normalization of relations with Israel until such time as a credible, civilian transitional government is established. If confirmed, I would support sustaining that policy.

Question. In his first interview with the media after orchestrating the October coup, General Burhan choose to speak to Sputnik News. Sputnik, as we all know is a mouth piece of Vladimir Putin's propaganda operation. In that interview, he confirmed that Sudan would honor an agreement made by the former dictator Omar Bashir to establish a Russian naval base on the Red Sea. As the U.S. Government is stepping up efforts to secure Europe's energy security, Russian control of the Red Sea could threaten to cut off a source of natural gas that Europe could use as an alternative to Russian gas. What is your assessment of Sudan's relations with Russia, especially since the resumption of Russia's hostilities against Ukraine in February 2022?

Answer. I am gravely concerned that since the fall of the Bashir regime in 2019, Russia has consistently pressured successive Sudanese administrations to provide it access to a naval facility on the Red Sea, a concern shared by Sudan's regional neighbors. Thus far, Sudanese Governments have resisted such pressure and have taken no concrete steps to implement the Bashir-era agreement. Should any Sudanese Government do so, it would be acting contrary to the interests and wishes of the Sudanese people and would increase the country's isolation. I share the dismay that the Sudanese people expressed at the ill-timed, ill-conceived, and inappropriate decision by Sudanese Rapid Support Forces Commander LTG Hemedti to visit Russia on the eve of its unprovoked and unjustified invasion of Ukraine. I understand this visit was sponsored by entities linked to Russian oligarch Yevgeny Prigozhin, whose companies have a long history of destabilizing African states and governments. LTG Hemedti's relationship with Prigozhin is deeply problematic, and if confirmed, I would press for the severing of these relationships and for an end to any connection between Prigozhin companies and Sudanese Government entities.

Question. If confirmed, what steps will you take to counter the establishment of a potential Russian base in Sudan?

Answer. If confirmed, I would reiterate to Sudanese leadership the destabilizing impact that a Russian naval facility on the Red Sea would have on Sudan, the Horn

of Africa, and the Gulf region. I would work with our international partners to underscore the increased international isolation that would follow should Sudan implement or renegotiate establishment of a Russian base or any other form of security cooperation with Russia. I would also work to ensure the Sudanese Government and public fully understand the risk of working with Russia and Russian-backed groups, including and especially Yevgeny Prigozhin's network, and their history of exploiting Africa's natural resources and destabilizing its states. These groups exploit instability to advance Kremlin and private Russian interests across the continent. I would highlight the prime example of the fact that countries in which the Wagner Group has deployed find themselves poorer, weaker, and less secure. If confirmed, I will explain clearly why partnership with the United States more squarely and sustainably meets Sudan's strategic objectives and benefits the Sudanese people.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO MICHAEL J. ADLER BY SENATOR ROBERT MENENDEZ

Question. Under the Revitalized Transitional Government of National Unity, elections were supposed to occur in 2023. Many experts now warn that, due to the failure of the South Sudanese transitional government to implement the revitalized peace agreement, elections in 2023 are no longer possible and could trigger a return to war if held absent the necessary preparations.

- What are the specific legal and legislative and confidence building steps South Sudan must take, in accordance with the revitalized peace agreement, to get to credible election? Are these a priority focus for the U.S. Government?

Answer. Under the terms of the revitalized peace agreement, credible elections are to be preceded by an inclusive constitution-making process, updating, and passing key electoral legislation, carrying out a national census, the development of transparent and inclusive electoral mechanisms, adequate funding for the election administration to carry out its duties professionally and comprehensively, and the formation and training of the Necessary Unified Forces (NUF). All of these are long overdue.

The South Sudanese people have been clear that they desire a political and economic transformation in their country that advances democracy, freedom, peace, transparency, and accountability. The actions necessary to enable credible elections are, therefore, a priority for the United States. If confirmed, I would work closely with international partners and regional actors to bring diplomatic and other forms of pressure to bear on South Sudan's leaders to ensure that the people's voices are heard and respected as these decisions are made. In addition, if confirmed, I would prioritize efforts to empower civil society and independent media, which provide an essential role in monitoring the Government, promoting positive policy changes, and expressing the will and priorities of South Sudanese citizens.

Elsewhere in Africa, the African Union, United States, and international community have insisted that transitional leaders should not double as candidates in elections they are charged with organizing. This principal has been articulated in reference to Mali, Central African Republic, Guinea, Burkina Faso, and most recently Chad.

Question. Do you agree that this principle—barring transitional leaders from doubling as candidates—should be applied the leaders of South Sudan's Revitalized Transitional Government of National Unity, and specifically President Kiir and Vice President Machar?

Answer. I agree that the principle of barring transitional leaders from doubling as candidates would have been appropriate in South Sudan and believe this condition should have been included in the 2018 Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS).

The South Sudanese people should be the ultimate arbiters in determining who their leaders should be through free, fair, and credible elections. To give them the opportunity to do so, it is imperative that South Sudan move forward with an inclusive constitutional drafting process, the adoption of electoral reform legislation, and the development of transparent and inclusive electoral mechanisms. These steps will allow the South Sudanese people to set the ground rules for the country's leadership and create conditions under which they can select their own leaders.

Question. The United States has not had an Ambassador in South Sudan since 2018.

- How has this interval affected Embassy management and morale in what is already a difficult overseas assignment? What steps will you take to support the morale of direct and local hire staff?

Answer. The long interval since South Sudan last had a confirmed U.S. Ambassador, as well as frequent changes in Chargés d'Affaires, has made it harder to address management and morale challenges in a tough working environment. If I am confirmed, improving morale, and taking care of my colleagues will rank among my highest priorities. I would immediately work with my team to analyze current challenges and any management shortfalls and develop strategies to address them. I would focus on mentoring employees from all of the agencies represented in the mission and at all stages of their careers. I would also work to ensure that people have opportunities to pursue and receive rewarding onward assignments that acknowledge their service in South Sudan. If confirmed, I would also seek to address the morale issues and challenges faced by locally employed (LE) staff including by working closely with the LE staff committee.

Question. Previously, Uganda was one of South Sudan's strongest allies. In recent years, however, President Kiir seems to have turned north and strengthened relations with members of the Sudanese junta in Khartoum.

- How do you assess the role and influence of Khartoum on South Sudan and what steps can the U.S. take to counter this influence?

Answer. As guarantors of the revitalized peace agreement Sudan, Uganda, and the other member states of the Intergovernmental Authority on Development (IGAD), have important influence with the parties which we should continue to urge them to use to press for full implementation of the peace agreement. Sudan and South Sudan share a long history and will likely remain politically and economically intertwined. I am very cognizant of the likelihood that military actors in Sudan seek to influence events in South Sudan to advance their own political and economic interests, and, if confirmed, I am committed to working closely with our Embassy in Khartoum to monitor, understand, and as needed, work against such self-interested engagement. I would do so through direct diplomatic engagement with the South Sudanese Government and civil society to raise awareness of and press against such problematic behavior, and through engagement with other regional actors to seek their intervention in more positive directions.

At the same time, I recognize that there have been cases, such as with the April 3 agreement on sharing command of the Necessary Unified Forces, in which Sudanese engagement has been useful to help push through an impasse. I would seek, therefore, to build on such positive engagement when opportunities occur.

Question. What steps will you take—if confirmed—to support democracy in South Sudan? What do you hope to accomplish through these actions? What are the potential impediments to addressing the specific obstacles you have identified?

Answer. If I am confirmed, I would press South Sudanese leaders to take the predicate steps necessary to hold free, fair, and credible elections. These include an inclusive constitution-making process, key electoral legislation, such as laws allowing for the participation of political parties and a functioning electoral commission. To secure the electoral process, South Sudan also needs to complete the unification of the Necessary Unified Forces. I would work with international partners, particularly the Troika (U.S., U.K., and Norway), the U.N. Mission in South Sudan, and IGAD, to press transitional leaders to complete these steps. Citizens in a democracy must also have the tools and information necessary to hold leaders accountable for public financial management and to make ballot decisions based on whether their leaders have been responsible and transparent stewards in the proper use and management of public resources for government functions and ensuring equitable delivery of public services. I would use our rotating position, along with our other Troika partners, on South Sudan's public financial management oversight committee to take full advantage to urge and guide reforms that facilitate economic transparency and accountability.

To create a lasting democracy, the loudest voice for change must come from the people of South Sudan. Freedoms of expression and peaceful assembly are integral parts of a functioning democracy, and if South Sudan is ever to become a vibrant democracy, it must respect these and other human rights. If confirmed, I would increase diplomatic engagement, leverage all public diplomacy tools, and evaluate our foreign assistance mechanisms to ensure we are providing as much support as possible for freedoms of expression and peaceful assembly so that the South Sudanese people can participate fully in the political process.

The major impediment to progress in building these democratic institutions is the network of political elites, mostly in Juba, whose interests are served by blocking

further implementation of the peace agreement and promulgating an environment that permits non-transparent deals that generate illegitimate income or funnel revenue from national resources into individual accounts.

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 would evaluate the full range of U.S. Government assistance tools available to support democracy and governance. I would work closely with USAID to expand and diversify their funding to promote human rights and bolster civil society, independent media, and citizens' active participation in democratic political and peace processes. We should continue support for democracy and governance programming and engage other donors on their ability to contribute. The Government of South Sudan must demonstrate the political will to implement credible elections with U.N. support.

Within the State Department, I would work with the Bureau of Democracy, Human Rights and Labor to identify all resources available to African countries to the extent consistent with applicable restrictions on U.S. assistance, to fund programs that would build the capacity of the South Sudanese to build and function in a truly democratic society.

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 South Sudan? 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 would commit to meet with civil society members, human rights, and other non-governmental organizations in the United States and local human rights NGOs, and other members of civil society in South Sudan.

It is my view that the South Sudanese people have made clear their desire for meaningful political and economic transformation in their country to advance freedom, democracy, peace, accountability, and transparency. I believe that a sustained diplomatic investment by the United States, as well as our regional and international partners is required to assist the South Sudanese people in achieving these goals. If confirmed, I would seek to press all of South Sudan's leaders to remove restrictions and other impediments to NGOs and civil society and to provide a safe and open environment for their activities.

Question. Will you and your Embassy team actively engage with South Sudan 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 South Sudan?

Answer. Yes, if confirmed, I would actively engage with South Sudan on freedom of expression, including for members of the press, and address any government efforts designed to limit or undermine press freedom through legal, regulatory, or other measures. I would meet regularly with independent, local press in South Sudan.

I would work to ensure that Embassy Juba engages frequently with local journalists. I would also press the Government of South Sudan to cease any censorship and arbitrary detentions of journalists and guarantee that journalists and all members of civil society have a safe space and an enabling environment that allows them to provide accurate and unbiased information to citizens about government actions.

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 South Sudan?

Answer. Yes.

Anomalous Health Incidents

Question. I am very concerned about directed energy attacks on U.S. Government personnel (so-called Anomalous Health Incidents). Ensuring the safety and security of our personnel abroad falls largely on individual Chiefs of Mission and the response of officers at post. It is imperative that any individual who reports a suspected incident be responded to promptly, equitably, and compassionately.

- Do you agree these incidents must be taken seriously, and pose a threat to the health of U.S. personnel?

Answer. I am deeply concerned by potential anomalous health incidents impacting U.S. Government personnel and their family members. These incidents affect the wellbeing of U.S. personnel serving their country abroad and must be taken extremely seriously. If confirmed, I will make the health and safety of my staff my top priority, including contributing to the extensive, ongoing interagency investigation into the cause of these incidents and how we can best protect our people. If confirmed, the health, safety, and security of Embassy Juba staff and all those supporting the Mission will be my highest priority.

Question. If confirmed, do you commit to ensuring that any reported incident is treated seriously and reported quickly through the appropriate channels, and that any affected individuals receive prompt access to medical care?

Answer. If confirmed, I commit to ensuring that all reported potential anomalous health incidents are given serious attention and reported swiftly through the appropriate channels. I will also ensure that staff who are affected by these incidents receive prompt access to the treatment, support, and medical care that they need.

Question. Do you commit to meeting with medical staff and the RSO at post to discuss any past reported incidents and ensure that all protocols are being followed?

Answer. If confirmed, I commit to meeting with medical staff and the RSO at Embassy Juba to discuss any reported anomalous health incidents so that I am most prepared to protect the safety of Mission South Sudan and ensure that all protocols regarding anomalous health incidents are being followed appropriately.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO MICHAEL J. ADLER BY SENATOR JAMES E. RISCH

South Sudan

Question. What is your perspective on South Sudan's current leadership—namely President Salva Kiir and First Vice President Riek Machar?

Answer. From my perspective, South Sudan's current leadership—including both President Salva Kiir and First Vice President Riek Machar—has failed to act to implement successive peace agreements, build democratic institutions for the South Sudanese people, use the nation's vast oil wealth for the benefit of all its citizens, and ensure peace and respect for human rights. I believe that South Sudan's leaders have a shared responsibility to act with urgency to advance progress toward the future the South Sudanese people seek of democracy, security, and economic prosperity. If confirmed, I would press all of South Sudan's leaders to maintain the permanent ceasefire, end sub-national violence, respect human rights, address corruption and other obstacles to economic growth, and immediately take all predicate steps necessary to enable the South Sudanese people to select their leaders through free, fair, and credible democratic elections.

Question. Would you characterize South Sudan's current leadership as spoiler's to South Sudan's peace, democracy, and development?

Answer. South Sudan's leaders have yet to deliver the peace, democracy, and development that was expected following their country's emergence as an independent country in 2011. If confirmed, I will provide my unvarnished assessment of which elements in the leadership are most responsible for this delay. It is already clear to me that the ongoing competition for power in South Sudan, occurring in the absence of an established democratic process, continues to contribute to violence and has had a longstanding spoiler effect on efforts to establish the better future the South Sudanese people deserve and the United States, along with other major donors, expects. It is also clear to me, that the South Sudanese people are eager for the political, economic, and security transformation of their country. For this to occur, it is imperative that South Sudan move forward with an inclusive constitutional drafting process, the adoption of electoral reform legislation, and the development of transparent and inclusive electoral mechanisms. These steps will ultimately allow the South Sudanese people to select their own leaders through free, fair, and credible elections. This is the first key step to establishing the Government's accountability to its citizenry. If confirmed, I would work closely with international partners and regional actors to bring diplomatic and other forms of pressure to bear on South Sudan's leaders to ensure that the people's voices are heard and respected as these decisions are made.

Question. Do you regard President Salva Kiir as the legitimate democratic leader of the Republic of South Sudan? Please explain your answer.

Answer. Though not democratically elected, Salva Kiir is the President of the Republic of South Sudan during the transitional period as agreed by the signatories of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan signed on September 12, 2018. The transitional period originally planned for 36 months has been extended to February 2023.

Question. As discussed in my S.Res.380, which passed the Senate by unanimous consent on December 9, 2021, the United States spends more than $1 billion per year on the fallout of the conflict in South Sudan, mostly for humanitarian assistance and through contributions to the U.N. peacekeeping mission UNMISS. In 2018, President Trump called for a review of U.S. assistance to South Sudan, to ensure that U.S. funds are not contributing to the war economy or inadvertently perpetuating conflict.

- Do you commit to supporting an assistance review for South Sudan, if confirmed?

Answer. I understand the former administration initiated an assistance review the results of which have never been finalized. I further understand that the interagency is reviewing data from this review, with the intention to provide it to Congress. If confirmed, I would give my full support to this review, if it remains ongoing, and would work closely with implementing partners and the broader international community to ensure that we have effective safeguards in place to ensure that U.S. assistance goes only to those for whom it is intended and does not contribute to continuation of conflict.

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FOLLOW UP QUESTIONS SUBMITTED TO
MICHAEL J. ADLER BY SENATOR RISCH

My office has been told by State and USAID officials that there is no active assistance review, but rather that USAID shared a report with the interagency with no further action was taken.

Question. Regardless of if "the interagency is reviewing data from this (assistance) review" (initiated under the Trump administration), do you commit, if confirmed, to supporting and participating in a renewed and more productive examination of U.S. assistance that encompasses the current context in South Sudan?

Answer. Yes, I commit that if I am confirmed, I will support and participate in such a review of U.S. assistance.

Question. Regardless of the timing of releasing the results of the current or a future assistance review, will you commit, if confirmed, to convening your Embassy team to regularly assess the role of U.S. assistance to South Sudan in countering or furthering the crisis in the country?

Answer. Yes. I commit to regularly convening the Embassy country team to consistently assess the role of U.S. assistance to South Sudan in countering or furthering the crisis in the country.

Question. What other measures will you take, should you be confirmed, to ensure "U.S. assistance goes only to those for whom it is intended and does not contribute to (the) continuation of (the) conflict?"

Answer. As a nominee, I commit to making this a priority. If confirmed, I would act quickly to identify specific steps that could be taken in this regard by consulting with USAID, other members of the interagency, and implementing partners to ensure I had a full understanding of any deficiencies of current safeguards and the best means to strengthen them. I would make such consultations a regular practice throughout my assignment to Juba so that we can assess the effectiveness of the initial measures we take and ensure that we respond swiftly to any indications of diversion. I would be prepared to consider whatever steps are necessary to ensure U.S. assistance does not contribute to the continuation of the conflict, including proposing adjustments to aid and expanded use of sanctions, where available, in response to confirmed indications of diversion by malign actors. I would also engage with partner country embassies to encourage a coordinated donor effort to prevent such diversion. If confirmed, I would welcome the opportunity to consult regularly with committee staff on the steps we take in this area.

Question. Will you commit, if confirmed, to be personally available to the committee to discuss U.S. assistance matters regarding South Sudan?

Answer. Yes. If confirmed, I commit to being personally available to the committee to discuss assistance matters regarding South Sudan as well as any other topics of interest to the committee.

Question. As Ambassador, if confirmed, how would you pursue reducing the need for U.S. humanitarian assistance to South Sudan due to persistent conflict?

Answer. If confirmed, I would prioritize the sustainment of the permanent ceasefire and advancing political, economic, and security sector reforms that would address the root causes of the need for humanitarian assistance. I would make use of the U.S. role as co-chair—in rotation with Norway and the United Kingdom—of South Sudan's Public Financial Management Oversight Committee to press the South Sudanese Government to use its resources transparently for the benefit of its citizens, thereby reducing the need for humanitarian aid.

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FOLLOW UP QUESTIONS SUBMITTED TO
MICHAEL J. ADLER BY SENATOR RISCH

While South Sudan's Public Financial Management Oversight Committee is an important tool "to press the South Sudanese Government to use its resources transparently for the benefit of its citizens," the U.S. has an important bilateral role to play in the oversight of its own humanitarian assistance in South Sudan.

Question. If confirmed, what other steps would you take as Ambassador to reduce South Sudan's need and dependency on U.S. humanitarian assistance?

Answer. I agree that the United States has an important bilateral role to play in the oversight of our humanitarian assistance in South Sudan. If confirmed, I would also press the South Sudanese Government to make clear that they must take the necessary steps to create the political environment necessary to foster economic growth and prosperity. The South Sudanese Government must work with more urgency to take the predicate actions necessary to hold credible elections, such as legislation regarding constitutional and electoral processes, the formation of institutions, the complete unification of forces, and a safe space for civil participation in politics. Peace, democracy, and stability are key to South Sudan's ability to grow its economy. If confirmed, I would consider the possibility of promoting policy reforms that facilitate the development of South Sudan's agricultural potential and decrease its reliance on humanitarian assistance.

Question. If confirmed, do you commit to ensuring that U.S. humanitarian assistance to South Sudan adheres to the principal of "Do No Harm?"

Answer. Yes. If confirmed, I commit to ensuring that U.S. humanitarian assistance to South Sudan adheres to the principal of "Do No Harm."

Question. As U.S. Ambassador if confirmed, how will you work with the USAID Mission Director and your interagency colleagues to ensure U.S. humanitarian assistance is not abused or used by the South Sudanese Government to lessen its responsibility to care for its people?

Answer. If confirmed, I would work with the USAID mission director and interagency colleagues to evaluate where current safeguards may be deficient

in protecting U.S. humanitarian assistance from abuse, and to seek to strengthen them. I would make these consultations a regular practice and incorporate lessons learned into our assistance plans, including being ready to adjust aid as appropriate or propose sanctions, where available, against actors who divert or manipulate U.S. assistance, as needed. I would also work with partner embassies to coordinate assistance and share information to prevent diversion that facilitates the South Sudanese Government shirking responsibility to provide services to the people of South Sudan.

* * *

Question. As Ambassador, do you commit to considering novel policy approaches to South Sudan related to the country's leaders, the peace agreement (R-ARCSS), and pervasive corruption?

Answer. Yes. The United States, in close consultation with our international partners, is actively working on a range of policy initiatives to support the South Sudanese people's demands for meaningful political and economic transformation in their country. This includes helping the people in South Sudan establish the necessary conditions to allow them to choose their leaders freely and to hold leaders accountable for their actions. If confirmed, I would continue robust engagement with South Sudan's leadership, both bilaterally and in concert with the Troika and other allies, to impress upon them the need to advance the peace process and move towards elections.

Question. Much of your professional experience has been in the Asia and the Near East regions.

- If confirmed as Ambassador to South Sudan, how do you think your previous experiences can be applied to the complex dynamics of both South Sudan and the region?

Answer. If confirmed, I would draw on my 30 years of experience in the Foreign Service, including in countries in the midst of transition under conflict and post-conflict conditions. In particular, my experiences in Bosnia (1998–2001), Iraq (2003–2004 and 2005–2006), and Afghanistan (2010–2011) have taught me important lessons about the challenges of advancing progress toward the establishment of democratic institutions and the need to hold host country leaders accountable for lack of sustained progress and tolerance of corruption. My professional experiences have also taught me the need for Embassy leadership to encourage continuous, sustained efforts to deepen understanding of complex societies by broadening Embassy outreach as far as possible among political actors and civil society. I have also learned the critical importance, especially in hardship posts, of Ambassadors clearly communicating policy goals and engaging to ensure the morale and productivity of the entire interagency team at post.

Question. How do you plan to engage with civil society and stakeholders to become grounded in the intricacies and challenges of working in South Sudan?

Answer. If confirmed, prior to departing for post, I would immediately seek meetings with the broad range of South Sudan experts in the United States, including from the diaspora community, with active ties to South Sudanese civil society. Following my arrival at post, I would meet with the country team to examine ways that I, as Ambassador, and the entire Embassy staff can amplify our outreach to civil society to improve our understanding of the dynamics driving political, economic, and security challenges in South Sudan. If confirmed, I would also prioritize travel by Embassy officials outside of the capital city of Juba, as security conditions permit, to ensure that our perspective and policy advice take into account the full complexity of the country.

Question. What will be your approach to collaborating with the Special Envoy to the Horn of Africa, if one is nominated and appointed, to ensure that a cohesive and effective South Sudan strategy is developed and implemented?

Answer. If confirmed, I plan to work closely with the Special Envoy to the Horn of Africa if one is appointed. I would view our roles as complementary to one another and would seek to use the Special Envoy's office's ongoing engagement with key regional actors to advance the required political and economic transformation in South Sudan, should that be in the envoy's remit. I would seek to establish clear channels of communication with any Special Envoy to the Horn of Africa if one is appointed and would work closely with that individual to develop and implement a cohesive and effective South Sudan strategy.

Question. South Sudan presents many operational challenges for humanitarian agencies, including bureaucratic impediments, difficulty reaching communities in need due to poor infrastructure, and attacks against aid workers and assets. South Sudan is one of the most dangerous places in the world for humanitarian workers seeking to help the more than 8 million South Sudanese in need of assistance.

- How will you work with the Government of South Sudan to reduce these barriers to aid delivery and end impunity for attacks on humanitarian workers?

Answer. It is a tragedy that so many aid workers have died trying to assist the people of South Sudan. The failure of the South Sudanese Government both to ensure the safety and security of humanitarian workers and to hold accountable those who are responsible for violence against them is inexcusable. If confirmed, I will consistently underscore the urgent need for the Government to strengthen its efforts to work with the international community to ensure the protection of aid workers and will press the Government to investigate and prosecute all those responsible for violence against them. I would also work closely with the United Nations Mission in South Sudan and the broader international humanitarian community to review risk management procedures and to ensure that we are all taking sensible steps to provide critically needed humanitarian assistance in as safe and secure an environment for humanitarian workers as possible.

In addition to the security threat, it is unacceptable that those who seek to provide assistance to the South Sudanese continue to encounter bureaucratic impediments and harassment. I will work with all U.S. Government agencies and their implementing partners as well as agencies responsible for delivering humanitarian aid (especially U.N. agencies, the World Food Program in particular) to hear their concerns, share information, and identify ways to support the safety of their staff through continued engagement with the Government of South Sudan.

Question. The U.S. played a critical role in South Sudan achieving independence in 2011. Plans for elections to be held in February 2023 are moving forward despite the current conditions not being conducive for free, fair, and transparent elections.

- What benchmarks do you believe must be met to create an environment conducive to conducting free, fair, and transparent elections in South Sudan? What role should the U.S. play to support such conditions?

Answer. It is important that the leaders of South Sudan abide by the commitments they made in the peace agreement. Under the terms of the revitalized peace agreement, free, fair, and credible elections are to be preceded by an inclusive constitution-making process, updating, and passing key electoral legislation, the development of transparent and inclusive electoral mechanisms, and the formation and training of the Necessary Unified Forces. All of these are overdue.

The South Sudanese people have been clear that they desire a political and economic transformation in their country. The actions necessary to enable free, fair, and credible elections are, therefore, a priority for the United States. If confirmed, I would work closely with international partners and regional actors to bring diplomatic and other forms of pressure to bear on South Sudan's leaders to ensure that the people's voices are heard and respected as these decisions are made. In addition, if confirmed, I would prioritize work to empower civil society and independent media, which provide an essential role in monitoring the Government, promoting positive policy changes, and expressing the will and priorities of South Sudanese citizens.

Question. Despite international pressure, implementation of the 2018 peace agreement by the Revitalized Transitional Government has been incredibly slow. While politicians delay reforms, South Sudanese face insecurity in many parts of the country. What the people of South Sudan ultimately need is sustainable peace, which requires a political solution.

- What do you see as the path for that solution, and what steps will you take to help the country achieve it?

Answer. The 2018 revitalized peace agreement is a flawed document, but it has tempered large-scale violence and lays out important political commitments for signatories that, if implemented, could lay the groundwork for meaningful political, economic, and security sector reform. If confirmed, I would support continuing to use the agreement as appropriate to advance our policy objectives. I believe that a sustained diplomatic investment by the United States, as well as our regional and international partners, is required to assist the South Sudanese people in achieving their goals to advance freedom, democracy, peace, accountability, and transparency. I would seek to press all of South Sudan's leaders to advance the demands of the South Sudanese people, including through focusing on providing a safe and open en-

vironment for the work of civil society and political actors, an inclusive constitution drafting process, the establishment of democratic institutions, progress on public financial management reform, the unification of security forces, and an effective transitional justice framework. This would serve as a foundation for subsequent, better governing administrations. In addition, I would carefully evaluate and be prepared to recommend the use of other tools at our disposal—including targeted sanctions—to impose costs on those responsible for delaying implementation of the peace process.

* * *

FOLLOW UP QUESTIONS SUBMITTED TO
MICHAEL J. ADLER BY SENATOR RISCH

In your response to a previous question, you stated the "2018 revitalized peace agreement is a flawed document" that "if implemented" could "lay the groundwork for meaningful political, economic, and security sector reform." However, this agreement's implementation is also flawed, and the hope of laying such a groundwork for "meaningful" reform seems empty. In fact, the flawed implementation of this flawed agreement is occurring as South Sudan gets more dangerous by the day. You also mentioned the importance of "sustained diplomatic investment by the United States . . . is required to assist the South Sudanese people in achieving their goals to advance freedom, democracy, peace, accountability, and transparency.

Question. What are the Administration's current U.S. policy objectives for South Sudan?

Answer. The Biden-Harris administration is committed to empowering the South Sudanese people to achieve a peaceful transition to an elected government in South Sudan that is built on strong democratic institutions, is characterized by leadership that is responsive to the desires of the South Sudanese people, and is committed to necessary political, economic, and security sector reforms that contribute to peace, improved governance, and transparent use of the country's natural resources for the benefit of all South Sudanese. This includes using our diplomatic influence and foreign assistance resources to press for and facilitate the predicate actions the South Sudanese Government needs to take to allow for an inclusive constitution-drafting process, necessary electoral mechanisms, unified security forces, and economic transparency.

U.S. policy is to promote public financial management reform to combat corruption and improve transparency in the management of national resources to create the economic climate necessary for growth and to attract investment. The United States is also committed to addressing the drivers of sub-national violence and pressing the Government to hold perpetrators of violence accountable. Our policy strives to improve South Sudan's resilience to environmental, conflict-driven, and economic shocks and reduce dependence on humanitarian assistance.

Question. If the "2018 revitalized agreement is a flawed document" and its implementation remains seriously flawed, how does your support to "continuing to use the agreement as appropriate" actually advance U.S. policy objectives?

Answer. One of the primary flaws in the text of the 2018 peace agreement is its failure to include a provision stating that transitional government officials should not be eligible to run for office in the country's post-transition elections. The South Sudanese people will need to determine how best to address this key omission, as they embark on an inclusive constitution drafting process and establish the legal and institutional framework for eventual elections. I am also concerned that the revitalized peace agreement has lacked robust mechanisms to ensure that all parties live up to its timelines and political, economic, and security sector reform commitments. Addressing this will require robust diplomatic engagement from the United States to which I am committed should I be confirmed. The revitalized peace agreement has prevented a return to large-scale violence, but its oversight mechanisms have paid insufficient attention to addressing the drivers of localized violence—an area in which I would also place diplomatic effort, if confirmed.

Despite these key obstacles which need to be addressed, the revitalized agreement enumerates and commits the parties to many of the key predicate actions that are necessary, if not fully sufficient, to lay the groundwork for the political and economic transformation of the country demanded by the South Sudanese

people and which U.S. policy is committed to supporting. If confirmed, I would propose to use the document to press parties to live up to such commitments, while simultaneously pressing them to go further in addressing the reform demands of the South Sudanese people.

Question. Do you believe the current administration's approach to South Sudan reflects a "sustained diplomatic investment by the United States?" If so, how?

Answer. U.S. diplomatic investment in South Sudan continues to put pressure on the Government to take the predicate actions needed to implement the 2018 peace agreement, support South Sudan's democratic transition, and hold free, fair, and credible elections. Some recent signs of progress include the announcement of a command sharing agreement for Necessary Unified Forces, legislation on the participation of political parties, and the introduction of legislation on constitution drafting. Much more progress is needed. If confirmed, I will give my utmost in support of U.S. diplomatic engagement and investment to reflect the urgency of progress needed in South Sudan.

Question. Aside from South Sudan's political elites and official parties to the conflict, do you believe the South Sudanese people have faith in the future implementation of the "flawed" 2018 revitalized agreement as a path to a sustainable peace?

Answer. The South Sudanese people have lived with conflict and suffering due to political and environmental causes for many years. It is easy to understand that they are skeptical that needed progress will take place to reach sustainable peace. At the same time, I believe that the population of South Sudan does not want to continue to live with current levels of violence that infects their communities and makes it difficult or impossible to feed and care for their families. They continue to make known their demands for democracy, peace, and responsible economic management. If confirmed, I will support the voices of members of civil society, so that the South Sudanese people have a mechanism through which they can effectively engage government institutions and press for the changes they believe will best improve accountability of officials and advance their democratic aspirations. If confirmed, I am committed to using our diplomatic influence to advocate for a safe space in which civil society actors can carry out this important work and to supporting policy reforms that contribute to the transition to an elected government in South Sudan that is accountable to its people and delivers results for all of them in a transparent fashion.

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Question. In the State Department's 2021 Trafficking in Persons Report (TIP), South Sudan remained Tier 3 for failing to make significant efforts to meet the minimum standards to eliminate trafficking.

- How will you work with the South Sudanese to address these issues if you are confirmed as Ambassador?

Answer. If confirmed, I would work with South Sudanese officials, including the Ministries of Justice and Immigration, to advocate for establishment of a legal framework to address trafficking in persons and ratification of the Palermo Protocol to Prevent, Suppress, and Punish Trafficking in Persons Especially Women and Children. I would also seek to establish appropriate connections among regional immigration authorities to address South Sudan's border security so that the country becomes less open to trafficking.

Question. If confirmed, what concrete steps could you take to help South Sudanese operationalize the prioritized recommendations contained in the TIP report?

Answer. I would press South Sudanese officials to cease immediately the unlawful recruitment and use of child soldiers and release any that are under the command of government forces. If confirmed, I would also engage regularly with senior officials and cabinet officials to urge that necessary legislation to address trafficking in persons moves forward. I would look for opportunities to foster discussion and information sharing between South Sudanese officials and U.S. law enforcement to discuss ways to build training programs for immigration officials and police to identify trafficking victims and to investigate and prosecute traffickers. Public diplomacy is another strong tool that I would leverage to offer programs that educate the

broader population about the dangers and detrimental impact of trafficking in persons on a society.

Question. In the State Department's 2020 International Religious Freedom report, South Sudan was identified as lacking societal and governmental respect for religious freedom.

Answer. If confirmed, I would advocate strongly for the Government to respect religious freedom including by thoroughly investigating all reports of violence against members of religious groups, whether allegedly perpetrated by the South Sudan People's Defense Forces, other armed groups, or separate societal elements. I would press for the arrest and prosecution of all those found to be responsible for such violence. I would also engage with the heads of religious communities and other partners to demonstrate United States support for religious freedom in South Sudan.

Question. What is you assessment of this particular issue and if confirmed, how will you work with the Ambassador-at-Large for International Religious Freedom to bolster religious freedom in-country?

Answer. U.S. support for religious freedom, along with human rights more broadly, was a driving factor behind years of U.S. Government and civil society engagement in support of the South Sudanese people prior to the country's independence in 2011. The United States must lead the international community in pressing the South Sudanese leadership to respect religious freedom and to ensure that no groups, religious or otherwise, are subjected to violence. I would draw on the support of the Ambassador-at-large for International Religious Freedom as well as other senior Department officials to amplify this message, as required. In my advocacy efforts on this subject, as well as on human rights more broadly, I would underscore the importance of this issue to both the executive and legislative branches of the U.S. Government.

Question. If confirmed, do you commit to personally engaging with civil society on this issue?

Answer. I commit to personally engaging with civil society on religious freedom.

Question. If confirmed, what concrete steps can you take to help South Sudan increase their societal and governmental respect for religious freedom?

Answer. I would make clear to South Sudanese leaders and all audiences that respect for religious freedom, along with human rights more broadly, is a foundational element in our bilateral relationship. If confirmed, I will work with my team to assess the political will of the South Sudanese leadership and other societal actors to improve respect for religious freedom. Should that assessment identify specific individuals and groups most responsible for harming others based on religion, I will work with Washington colleagues to identify appropriate actions the United States should take in response, including, as appropriate, in coordination with other partners.

Question. In the State Department's 2021 Human Rights Report, South Sudan was identified as having systemic, significant human rights abuses.

- If confirmed, what steps will you take to address these instances with the host government?

Answer. If confirmed, I would press South Sudanese leaders to take a strong stance to jointly condemn human rights violations and abuses, prevent their occurrence, and hold perpetrators accountable. I would underscore that tolerance of human rights violations and abuses will have long term consequences for South Sudan's international standing as well as for its stability and future political and economic trajectory. I would make clear to the country's leadership the need to do everything possible to immediately address abuses when they happen and hold the perpetrators accountable.

The United States has sanctioned individuals in South Sudan in connection with serious human rights abuse, and supports the U.N. sanctions regime, including targeted sanctions and the arms embargo, and is committed to promoting full implementation. If confirmed, I will examine whether expanded use of sanctions is warranted if the human rights situation does not improve.

Question. How will you direct Embassy Juba to work with civil society organizations to improve the human rights situation on the ground?

Answer. If confirmed, I would lead my team in conveying a consistent message of partnership and engagement with civil society organizations committed to improving human rights in South Sudan. In particular, we would work with organizations positioned to collect data on human rights violations and abuses when they

occur, in coordination with the U.N. Mission in South Sudan, the U.N. Commission on Human Rights in South Sudan, the State Department's Bureau of Democracy, Human Rights, and Labor, and the peace agreement ceasefire monitoring mechanisms. This information is critical to document atrocities on the ground and ultimately to hold perpetrators accountable.

Question. The Office of Multilateral Strategy and Personnel (MSP) in the State Department's Bureau of International Organizations is leading a whole-of-government effort to identify, recruit, and install qualified, independent personnel at the United Nations (U.N.), including in elections for specialized bodies like the International Telecommunications Union (ITU). There is an American candidate, Doreen Bodgan-Martin, who if elected would be the first American and first woman to lead the ITU. She is in a tough race that will require early, consistent engagement across capital and within the U.N. member states.

- If confirmed, do you commit to demarching the South Sudanese Government and any other counterparts necessary to encourage their support of Ms. Bogdan-Martin?

Answer. Yes.

Question. If confirmed, how can you work with the Bureau of International Organization Affairs and other stakeholders to identify, recruit, and install qualified Americans in positions like the Junior Program Officer (JPO) program at the U.N.?

Answer. The Junior Professional Officer program is one of the key opportunities offered by the U.N. to encourage young professionals interested in serving in international organizations, and it provides them with hands-on experience across various U.N. agencies. If confirmed, I will coordinate closely with my colleagues in the Bureau of International Organization Affairs and other stakeholder bureaus and agencies and consult with Congress to ensure we have sufficient resources, tools, and staffing to support more positions for American citizen JPOs in the U.N. system. With these resources, we can work strategically to increase the number of JPO opportunities funded by the U.S. Government into key agencies and bodies that work on U.S. priorities, expand our recruitment and outreach activities to ensure these opportunities are widely known and available to interested U.S. citizens, and provide tools and services to strengthen our competitiveness in placing qualified American citizens into the U.N. system.

Question. Many U.S. missions have been under enormous stress over the last few years, in large part due to COVID. What is your understanding of morale throughout Mission Juba?

Answer. I understand that the challenging work environment, including both the security situation and the condition of the Embassy compound, has placed strains on morale at post. If confirmed, I would prioritize steps to improve morale and support the entire Mission Juba team.

For U.S. direct hire employees, I would immediately take steps to understand any current challenges or management shortfalls and address them. I would focus on mentoring employees from all of the agencies represented in the mission and at all stages of their careers. I would also actively seek to work with senior colleagues in Washington and at other U.S. embassies to ensure that service at Embassy Juba is appropriately rewarded. Locally Employed (LE) staff face the same morale issues as U.S. direct hires plus a myriad of other challenges related to working at a U.S. mission in the country where they live. If confirmed, I would commit to working closely with the LE staff committee and addressing these unique challenges.

Question. How do you intend to improve morale at Mission Juba?

Answer. I will meet with every member of my team within my first weeks at post to hear directly their views about their satisfaction with their roles at the mission, challenges to morale, and any obstacles to their ability to perform their missions in support of United States policy objectives. I would conduct a climate survey. Based on responses and my discussions with members of the team, I would formulate a plan with specific steps to improve morale at post, in consultation with the DCM, USAID Mission Director, and other members of the country team.

I will also hold regular country team meetings, Embassy all hands town halls, and other regular meetings with Mission personnel, if confirmed. I would consistently communicate that I have an open door to any member of the team who wishes to raise issues with me related to morale. I will make a practice of visiting offices of all members of the team on a regular basis, giving particular priority to the work areas of personnel who are not on the country team and who may not otherwise be in daily contact with the front office.

Question. Management is a key responsibility for Chiefs of Mission. How do you intend to create a unified mission and vision at Mission Juba?

Answer. If confirmed, I would make clear from day one my expectation that all agencies at post will function as a single U.S. Government team. I will ensure that all agency perspectives are represented in all significant discussions of policy and management issues. I will share with the country team my draft list of priorities for Mission Juba in order to seek their input so that a document that fully integrates all agency interests can be shared with the broader team and incorporated into the Mission Juba strategy. Believing that successful management is a continuous process, I would dedicate myself to sustained communication in support of mission unity throughout my assignment.

Question. How would you describe your management style?

Answer. I take a consultative approach to managing teams. Before making a decision, I ensure that I have heard and understand all relevant perspectives from members of my team. I encourage open expression of views differing from my own. Once I have made a decision, I prioritize clarity in the guidance I provide, but I welcome continued consultation as implementation moves forward. I seek to convey on a sustained basis what the team's priorities and objectives are. I make clear that any member of the team is welcome to meet with me directly to raise issues related to morale and performance, including when we have to adjust deadlines given limited resources. I believe and communicate to my teams that we must all hold ourselves accountable to adhere to the highest professional standards and to achieve results for the United States.

Question. Do you believe it is ever acceptable or constructive to berate subordinates, either in public or private?

Answer. No. I do not believe that it is ever acceptable to berate subordinates, either in public or in private.

Question. How do you envision your leadership relationship with your Deputy Chief of Mission?

Answer. If confirmed, I would partner with the Deputy Chief of Mission to help ensure that I hear all perspectives at post on policy and management issues. While I would actively seek views from all components of the Mission, I am aware that it is sometimes challenging at embassies for personnel to express new ideas if they assess that the Ambassador has a different point of view. I will make clear to the Deputy Chief of Mission that we must prioritize establishing and maintaining an inclusive interagency team in which candor is respected and valued.

Question. If confirmed, what leadership responsibilities do you intend to entrust to your Deputy Chief of Mission?

Answer. As I do at the start of all new working relationships, I would first want to assess dynamics at post before assessing how to form an effective Embassy leadership team. Drawing on the most successful Embassy front offices I have observed during my career, I anticipate that I would look to the DCM to mentor staff, conduct performance counseling as needed, and foster interagency collaboration and a strong spirit of a single Mission team. I would also seek to enable the DCM to fill in for me with external contacts, both South Sudanese and in the international community, when I am out of the country. However, I would remain fully engaged in and hold myself ultimately responsible for the internal management and external engagements of Mission Juba.

Question. In order to create and continue employee excellence at the Department, accurate and direct employee evaluation reports (EERs) for Foreign Service Officers are imperative, though often lacking.

- Do you believe that it is important to provide employees with accurate, constructive feedback on their performances in order to encourage improvement and reward those who most succeeded in their roles?

Answer. I believe that it is essential to provide constructive feedback on a regular basis, to address areas where improvement is needed swiftly and transparently, and to reward those who have succeeded in their roles. With respect to the latter, it is particularly important for both the Ambassador and the DCM to demonstrate commitment to support successful employees' efforts to obtain onward assignments that accelerate their ability to achieve their professional objectives. I strongly believe that Embassy leaders must be fully committed to the professional development of all employees, both by addressing deficiencies and by helping high performers continue to succeed and move up to the next level.

Question. If confirmed, would you support and encourage clear, accurate, and direct feedback to employees in order to improve performance and reward high achievers?

Answer. If confirmed, I would prioritize mentoring, as I have throughout multiple leadership roles.

Question. It is imperative that U.S. diplomats get outside of posts abroad to meet with local actors, including host government officials, non-government organizations, and fellow foreign diplomats stationed in South Sudan.

- In your opinion, do U.S. diplomats get outside of our Embassy walls enough to accomplish fully their missions?

Answer. I think that U.S. diplomats must consistently strive to increase and expand their external outreach to advance U.S. policy objectives. If confirmed as Ambassador to South Sudan, I would consider it my responsibility to work consistently to maintain an appropriate risk management approach to enable personnel to get off compound as often as possible or practical in order to fulfill the mission, while giving appropriate consideration to security concerns.

Question. How do you intend to improve the ability of U.S. diplomats to better access all local populations?

Answer. South Sudan's security environment has placed constraints on Embassy external outreach. If confirmed, I would work with the DCM, the Regional Security Officer, the USAID Mission Director, and the other members of the Emergency Action Committee (EAC) to identify ways to support the ability of Embassy personnel to increase external engagements safely, especially outside of Juba. I would lead my team in maintaining good relationships with the U.N. Mission in South Sudan and other diplomatic missions to ensure we have information and additional resources to increase our capacity for safely visiting additional sites in South Sudan. I would also work with my public diplomacy team to pursue new networks and platforms to reach a broader range of the South Sudanese population.

Question. Public diplomacy is an important aspect of U.S. foreign policy efforts. What is the public diplomacy environment like in the South Sudan?

Answer. The United States' stature as the country's largest donor and a key international supporter of the process which led to South Sudan's independence in 2011 gives us a strong basis to advocate publicly for U.S. objectives and values with the South Sudanese media and civil society. If confirmed, I commit to making full use of all appropriate public diplomacy tools to advocate for progress toward urgently needed political, security and economic reforms. This includes exploring new ways to strengthen the capacity of independent media and civil society organizations.

Question. What public diplomacy challenges do U.S. diplomats face there?

Answer. U.S. diplomats face myriad challenges conducting public diplomacy in South Sudan. The security situation makes in-person outreach difficult. There is also a very low rate of penetration of internet access and social media use, making some of the tools available to our public diplomacy officers in other countries ineffective in South Sudan. In addition, the Government's past behavior to shut down meetings and media access for civil society actors makes it difficult for us to engage for fear of making them a target for harassment or even unjustified detention. If confirmed, I will work closely with the Public Affairs Officer at post and the broader country team to overcome these challenges.

Question. How do you balance the importance of Main State versus the in-country mission when it comes to tailoring public diplomacy messages for foreign audiences?

Answer. In my experience, the right balance varies from country to country. In the South Sudan context, where it is imperative that we amplify our message about the urgent need for movement on political, economic, and security reform, I view public messaging about U.S. policy priorities as a core Embassy responsibility. However, I anticipate that there will be occasions when statements from Main State will be appropriate to reinforce key points. I would seek to identify and maintain the right balance through frequent consultations with the Department of State about developments on the ground in South Sudan, particularly in the public diplomacy sphere, and junctures where Washington-based statements would be timely.

Question. "Anomalous health incidents," commonly referred to as "Havana Syndrome," have been debilitating and sidelining U.S. diplomats around the world for years. They have caused serious, negative consequences for U.S. diplomacy, yet many believe that the Department is not doing enough to care for, protect, and communicate to its personnel. The past occurrences and ongoing threat of anomalous

health incidents among Embassy personnel and their families poses a serious challenge to morale. When personnel at post fear for their safety or doubt that their case will be taken seriously if they were affected, the performance of Embassy operations can suffer.

- If confirmed, do you commit to taking this threat seriously?

Answer. Yes, if confirmed, I commit to take these threats seriously and would do everything in my power to prioritize the health, treatment and safety of our diplomats and any USG personnel in South Sudan.

Question. If confirmed, do you commit to talking as openly as you can to Mission Juba personnel?

Answer. Yes. If confirmed, I will exercise and maintain open communication with Mission Juba personnel.

Question. Have you received a briefing on the anomalous health incidents that have occurred to U.S. Government personnel around the world, including at U.S. embassies and other diplomatic posts? If you have not, and if you are confirmed, do you commit to receiving a briefing on the incidents before you depart for your post?

Answer. Yes. I have attended the Ambassadorial seminar, which included an unclassified briefing on AHIs. Prior to my departure for post, I will seek further information in a classified setting from the Coordinator of the State Department's Health Incident Response Task Force as well as relevant bureaus including Diplomatic Security and Intelligence and Research.

Question. In the event of an anomalous health incident among your Embassy personnel or eligible family members, do you commit to maintain detailed records of the incident, and share the information with the State Department and other embassies to contribute to the investigation of how these attacks are affecting U.S. missions and personnel around the world?

Answer. If confirmed, I commit to maintaining detailed records of any anomalous health incidents that may occur, sharing that information with the State Department and other embassies, and to engaging constructively in the ongoing global investigation into circumstances surrounding unexplained health incidents. The Department continues to work to determine what has happened to our staff and their families and to ensure their well-being and health going forward. There is no higher priority than the safety and security of our U.S. personnel, their families, and U.S. citizens.

Question. Whether or not anomalous health incidents occur at your Embassy, how will you work to restore and preserve morale that may be lost due to the knowledge these attacks have been occurring at posts around the world?

Answer. If confirmed, I would in the case of any anomalous health incident prioritize the health and safety of the Embassy community and ensure that those impacted receive the proper treatment. I will keep my team informed, talking with them as openly as I can, and work to understand their concerns and create a safe environment for them to carry out our mission.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO MICHAEL J. ADLER BY SENATOR JEANNE SHAHEEN

Question. I have been closely following increased reports of directed energy attacks that have affected U.S. Government employees. As nominees to a role of Ambassador, I want to ensure that you are sufficiently prepared to respond accordingly if an unexplained health incident is reported in your mission. I understand that the State Department includes a briefing on this as part of the Ambassadorial seminar that you are required to attend.

- If confirmed, will you commit to attending the Ambassadorial seminar session on AHIs and seek a classified briefing with State Department?

Answer. Yes. I have attended the Ambassadorial seminar, which included an unclassified briefing on AHIs. Prior to my departure for post, I will seek further information in a classified setting from the Coordinator of the State Department's Health Incident Response Task Force as well as relevant bureaus including Diplomatic Security and Intelligence and Research.

Question. If an incident occurs, please assure that you will do everything in your power to prioritize the health, treatment, and safety of our diplomats?

Answer. If confirmed as Ambassador to South Sudan, I will make the health and safety of my staff my top priority. If confirmed, I will also commit to ensuring all reported incidents at Embassy Juba are treated seriously and quickly reported through the appropriate channels. I will ensure that any affected individuals receive prompt access to treatment and medical care.

Question. The Biden administration rightly prioritized protecting, improving, and expanding access to sexual and reproductive health care as one of ten key priorities in the National Strategy on Gender Equity and Equality. Across Africa, the unmet need for family planning is significant. Women and families struggle to access modern contraceptives or basic information to be able to make the right choices for their health and that of their families.

- If confirmed, do you commit to working with the respective USAID country missions, implementing partners and civil society to improve access and develop relationships to best administer the U.S.'s family planning programing?

Answer. Yes. If confirmed, I commit to working with USAID, implementing partners, and civil society to improve access and develop relationships to best administer family planning programming and health services, and to advocate strongly on behalf of the rights of women.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO MICHAEL J. ADLER BY SENATOR MARCO RUBIO

Question. As we see with almost all African countries, the Chinse Communist Party is the major player in South Sudan's oil sector, which it protects with the largest presence of Chinese peacekeepers overseas. After civil war broke out in the country in 2013, Beijing played a significant role in increasing the UNMISS authorized troop strength and modifying the U.N. Mission in South Sudan's (UNMISS) mandate to include a broader interpretation of the U.N.'s nonintervention policy. In this expanded mandate, Beijing successfully lobbied for a provision to include the protection of workers on oil installations. Although the provision initially encountered resistance from officials in the U.N. Department of Peacekeeping Operations, who argued the change would undermine the U.N.'s neutrality and place peacekeepers on the side of the South Sudanese Government and the oil industry, the mandate expansion was ultimately adopted unanimously by the U.N. Security Council in 2014. This effectively aligned peacekeepers with Beijing's economic interests. It's pretty clear that the CCP is looking ahead to a future conflict with the United States, during which it will need to secure reliable sources of oil, for when the U.S. and its allies stop exporting oil to China.

- What is your assessment of China's involvement in South Sudan's oil sector?

Answer. It is indisputable that the People's Republic of China is a major player in South Sudan's oil sector. In addition to any prepositioning the PRC might be doing to secure sources of oil, the PRC's approach to human rights and transparency is diametrically opposed to our own. China's purchases of crude oil and its investment in the sector without questioning the corruption involved provides cover for the diversion of resources from providing services to the South Sudanese people. If confirmed, I would pursue all opportunities to call attention to this unhealthy relationship.

Question. How will you push back on Chinese attempts to use the U.N. Peacekeeper system to further its own economic interests?

Answer. If confirmed, I would work with my colleagues in the Bureau of International Organization Affairs and the U.S. Mission to the United Nations to ensure U.N. peacekeeping remains impartial and to counter any attempts to manipulate peacekeeping mandates for the benefit of the PRC's economic interests.

Question. Do you support the United States competing with Chinese influence in south Sudan's oil sector?

Answer. South Sudan's oil sector is currently not suitable for U.S. investment due to rampant corruption that would put U.S. companies at risk of violating the Foreign Corrupt Practices Act and fueling economic crimes that harm the South Sudanese people. Reflecting this, in 2018, the United States added 15 South Sudanese companies operating in South Sudan's oil sector to the U.S. Department of Commerce's Entity List. If confirmed, I will prioritize engagement and advocacy in sup-

port of reforms and action against corruption that, if successful, would create an environment in which U.S. companies could compete successfully in the oil sector.

More broadly, the best way to help South Sudan reach a point where it can attract U.S. investment is through U.S. diplomatic engagement in South Sudan and the region to urge South Sudan's leaders to speed up the pace of political, economic, and security sector reforms demanded by the South Sudanese people, including implementation of their commitments regarding establishment of conditions and institutions for a free and fair electoral process, public financial management reform, the unification of security forces, and the establishment of transitional justice mechanisms.

Question. If confirmed, will you advocate for a change in U.S. policy towards supporting investments in fossil fuel projects?

Answer. If confirmed, once South Sudan reaches a point where it is conducive to U.S. investment in its oil sector, I would work hard with colleagues in the Departments of Energy and Commerce to attract U.S. oil exploration and production companies to bring their tremendous expertise and best practices to improve the way oil is extracted in South Sudan. I would support investment by U.S. companies in both fossil fuel and renewable energy sources.

NOMINATION

TUESDAY, JUNE 7, 2022

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

The committee met, pursuant to notice, at 3:03 p.m., in Room SD–419, Dirksen Senate Office Building, Hon. Tim Kaine presiding.

Present: Senators Kaine [presiding], Menendez, Schatz, Portman, and Barrasso.

OPENING STATEMENT OF HON. TIM KAINE, U.S. SENATOR FROM VIRGINIA

Senator KAINE. Good afternoon.

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

We are here to consider an important nominee, Amanda Bennett, to be Chief Executive Officer of the U.S. Agency for Global Media.

Ms. Bennett, I want to congratulate you on the nomination and I want to thank you for your willingness to serve and also thank you especially to members of the family who will also bear the burdens and sacrifices of your service.

Let me begin by introducing our nominee. Amanda Bennett is an author, investigative journalist, and editor. Most recently, she served as director of Voice of America.

Prior to her service at Voice of America she had a lengthy career in journalism, including as executive editor of Bloomberg News, editor of the Philadelphia Inquirer. She also served as a Wall Street Journal reporter for over two decades and a contributing columnist for the Washington Post.

Ms. Bennett shared the 1997 Pulitzer Prize for her reporting with Wall Street Journal colleagues. She is a graduate of Harvard College.

I want to congratulate you again on the nomination. Representing the U.S. and the American people is an honor, privilege, and I am sure, based on your impressive professional background, you will serve with distinction.

I am pleased to be asked to chair this nomination hearing for the CEO of the U.S. Agency for Global Media, which is an important post that is only gaining more importance in a world where information and disinformation is so important.

The U.S. Agency for Global Media has undergone great change over the last decade, most notably through the creation of a permanent CEO position at the head of the agency.

Meanwhile, global media consumption has changed rapidly with the rise of social media and messaging technology, while traditional media institutions have experienced a loss of audience and a loss of influence.

Regardless of how the agency is structured, it is clear that its mission of providing balanced and objective media to societies without a free press has never been more important.

The current crackdown in Russia on voices opposing the illegal invasion of Ukraine demonstrates how fragile the right to free expression is in so many parts of the world and how quickly the flow of free information can be stopped by governments.

How the U.S. Agency for Global Media balances its mission with other directives, broadly advancing U.S. foreign policy objectives, is an enduring challenge for the agency and I hope we can explore that today.

The committee looks forward to hearing from you today, Ms. Bennett. I look forward to working with you, and I want to now turn to the ranking member of this committee, Senator Barrasso, for his opening remarks.

STATEMENT OF HON. JOHN BARRASSO, U.S. SENATOR FROM WYOMING

Senator BARRASSO. Thanks so much, Mr. Chairman. Thanks for holding this very important committee hearing today. The committee is going to examine the nomination of Amanda Bennett to be the Chief Executive Officer of the U.S. Agency for Global Media.

I want to congratulate you on the nomination for this important position and extend a warm welcome to your friends as well as your family.

Amanda has a long and distinguished career in journalism, as you mentioned, Mr. Chairman, over 20 years served as a reporter at the Wall Street Journal, editor of the Philadelphia Inquirer in Philadelphia, the Herald Leader in Lexington, Kentucky, the Oregonian in Portland, and the Bloomberg News in New York City.

She is a Pulitzer Prize-winning author and investigative journalist and an editor. She also has experience working at the agency as the director of the Voice of America for over four years. With her background and experience, Amanda will add value and much needed direction to the U.S. Agency on Global Media.

At a time when press freedom and democracy are starting to decline, U.S. international broadcasting has a very important role to play. With authoritarian governments shut down the news and censor their people, this agency can give credible and timely and accurate information.

There is a need to provide the international community with balanced and objective information. This is especially true in areas of the world where disinformation, propaganda, and terrorist ideology dominate the news.

It is also important to remember this agency is tasked with promoting foreign policy goals and national security interests of the United States. This position has an impact on our nation's interests across the globe.

The U.S. Agency for Global Media supervises and oversees a global broadcast network reaching over 350 million people. Its pro-

gramming is distributed via radio, television, internet, and other news media broadcasts in 62 languages.

Should you serve our nation in this important position, it is critical that you continue to provide strong leadership and stewardship of American taxpayer resources, demonstrate professionalism and good judgment, and vigorously work to advance the priorities of the United States.

During your testimony, I hope you will lay out your plan for the efficiencies, improvements, and strategic direction for the agency.

Thank you, Mr. Chairman.

Senator KAINE. Thank you, Senator Barrasso.

We will now proceed with Ms. Bennett. I would ask you to provide your opening remarks.

STATEMENT OF AMANDA BENNETT OF THE DISTRICT OF COLUMBIA, NOMINATED TO BE CHIEF EXECUTIVE OFFICER OF THE UNITED STATES AGENCY FOR GLOBAL MEDIA

Ms. BENNETT. Thank you so much, Chairman Kaine and Ranking Member Barrasso, and members of the committee for welcoming me here today.

It is such an honor to be considered by this committee for the position of Chief Executive Officer for the U.S. Agency for Global Media, and I thank members and their staff for taking the time to meet with me.

I would like to take a moment to recognize behind me my husband, Don Graham, and my son, Terry Foley, as well as to acknowledge my daughter, Georgia Foley, stepchildren Liza, Laura, Will, and Molly, my late husband, Terence Foley, and my mentors, Sandra Mims Rowe and Chuck Camp, and I am so grateful for their generosity, their support, and their encouragement.

We are at a critical moment in history. Journalism and public diplomacy alike are targeted as never before by authoritarian regimes using myths and disinformation to undermine those seeking credible, fact-based, and unbiased coverage of the world around them.

Journalism has been my life. At 11 years old, I published my first newspaper story about the day my father told me that my newborn sister had Down syndrome. Yesterday, she turned 60.

I began my professional career as a French-speaking journalist in Ottawa, Ontario. I spent 23 years at the Wall Street Journal, where I became only the second Wall Street Journal correspondent in China and, thus, experiencing life in an authoritarian state where journalists and sources were watched and detained.

I went on to lead newsrooms in Oregon and in Kentucky and in Pennsylvania, where I became the top editor before returning to financial journalism at Bloomberg News. I have been a reporter, an editor, a manager, and a news organization leader.

I shared two Pulitzer Prizes, including the much coveted Public Service Prize. I have also spent significant time contributing to nonprofit and journalistic and foreign policy institutions as well as mentoring the next generation of news leaders.

Most recently during my four years in public service as the director of Voice of America, I witnessed extraordinary passion and de-

votion to mission. I saw how much can be accomplished, yes, even in government by harnessing that passion to surmount obstacles.

I am a pragmatic leader and I believe organizations work best when things around them work well. At VOA, I traveled to 22 countries, witnessing the depth of China, Russia, and Iran's misinformation around the world.

But more importantly, I saw people's hunger for believable, trustworthy information and I realized that the BBC and USAGM networks were, for all practical purposes, the only free press in a huge part of the world.

If I am fortunate enough to be confirmed, I would emphasize the strong, nonpartisan nature of this agency and focus on the following priorities.

I would work to ensure that everything that USAGM does supports its mission as a stable, coordinated, efficient, and transparent organization serving its broadcasters and creating conditions in which truthful journalism can be most effectively practiced.

I would seek to accelerate the advances in technology to ensure that information can be seen and heard by the people who need it the most. Authoritarian regimes are increasingly sophisticated in blocking information and USAGM needs to become even more sophisticated in breaching those barriers. Playing catch up can no longer be our only option.

We need to look ahead to protect truthful, believable, free news and information from the increasingly rigorous attempts to block it. The best journalism and news is of no use if people cannot see and hear it.

And I would reaffirm both the mission and the firewall that underpins the worldwide credibility that USAGM broadcasters all enjoy. The firewall is essential to that credibility, ensuring editorial independence and protecting USAGM and its journalists from outside influence.

As my personal experience confronting state-controlled media taught me, there is nothing more important to USAGM than its independence. Celebrating successes is crucial as is the freedom to expose and explore flaws.

Audiences see our example of candor in exercising press freedom in a democratic society as a proof of our credibility. In so many countries people yearn for that truth, even if it is a painful truth.

I do not take this opportunity lightly nor underestimate its challenges. I am also grateful to the dedicated people at USAGM and its entities who work tirelessly in support of its mission.

If confirmed, I pledge to work with them to uphold the highest journalistic standards and work persistently to protect the safety and the privacy of both journalists and audiences worldwide.

I also commit to being accessible and transparent, and to work collaboratively within government, external stakeholders, with this committee, and all of Congress in a bipartisan fashion to ensure that USAGM has the support and resources necessary to fulfill its mission and that the agency is held accountable to its obligations.

I am grateful to the committee for considering my nomination and I look forward to answering your questions.

Thank you very much.

[The prepared statement of Ms. Bennett follows:]

PREPARED STATEMENT OF AMANDA BENNETT

Thank you, Chairman Menendez, Ranking Member Risch, and members of the committee for welcoming me here today.

It is an honor to be considered by this committee for the position of Chief Executive Officer (CEO) of the U.S. Agency for Global Media (USAGM), and I thank its Members and their staff for taking the time to meet with me.

I would like to take a moment to recognize my husband, Don Graham, and my son, Terry, here with me today, as well as acknowledge my daughter Georgia, stepchildren Liza, Laura, Will, and Molly, my late husband Terence Foley, and mentors Sandra Mims Rowe and Chuck Camp. I am grateful for their generosity, support, and encouragement.

We are at a critical moment in history. Journalism and public diplomacy alike are targeted as never before by authoritarian regimes using mis- and disinformation to undermine those seeking credible, fact-based, and unbiased coverage of the world around them.

Journalism has been my life. At 11 years old, I published my first newspaper story—about the day my father told me my newborn sister had Down Syndrome (she's now 60). I began my professional career as a French-speaking journalist in Ottawa, Ontario. I spent 23 years at The Wall Street Journal where I became only the second WSJ correspondent in China, experiencing life in an authoritarian state where journalists and sources were watched and detained. I went on to lead newsrooms in Oregon, and in Kentucky and Pennsylvania where I became the top editor, before returning to financial journalism at Bloomberg News.

I have been a reporter, editor, manager, and news organization leader. I shared two Pulitzer Prizes, including the much-coveted Public Service prize. I have also spent significant time contributing to nonprofit and journalistic and foreign-policy institutions, as well as mentoring the next generations of news leaders.

Most recently, during my four years in public service as the Director of Voice of America (VOA), I witnessed extraordinary passion and devotion to mission. I also saw how much can be accomplished—even in government—by harnessing that passion to surmount obstacles. I am a pragmatic leader and believe organizations work best when things around them work well.

At VOA, I traveled to 22 countries witnessing the depth of China, Russia, and Iran's misinformation around the world. But more importantly, I also saw people's hunger for believable, trustworthy information. I realized that the BBC and USAGM networks were, for all practical purposes, the only free press in a huge part of the world.

If I am fortunate enough to be confirmed, I would emphasize the strong nonpartisan nature of this agency and focus on the following priorities. I would work to ensure that everything USAGM does supports its mission—as a stable, coordinated, efficient, and transparent organization serving its broadcasters and creating conditions in which truthful journalism can be most effectively practiced.

I would seek to accelerate advances in technology to ensure information can be seen and heard by the people who need it most. Authoritarian regimes are increasingly sophisticated in blocking information, and USAGM needs to become even more sophisticated in breaching those barriers. Playing catch-up can no longer be our only option. We need to look ahead to protect truthful, believable, free news and information from the increasingly rigorous attempts to block it. The best journalism is of no use if people cannot see or hear it.

And I would reaffirm both the mission and the firewall that underpins the worldwide credibility that USAGM's broadcasters all enjoy. The firewall is essential to that credibility, ensuring editorial independence and protecting USAGM and its journalists from outside influence. As my personal experience confronting state-controlled media taught me, there is nothing more important for USAGM than this independence. Celebrating successes is critical—as is the freedom to expose and explore flaws. Audiences see our example of candor in exercising press freedom in a democratic society, as proof of our credibility. In so many countries, people yearn for the truth—even painful truth.

I do not take this opportunity lightly, nor underestimate its challenges. I am also grateful for the dedicated people at USAGM and its entities who work tirelessly in support of its mission. If confirmed, I pledge to work with them to uphold the highest journalistic standards and work persistently to protect the safety and privacy of both journalists and audiences worldwide.

I also commit to being accessible and transparent and to work collaboratively within government, with external stakeholders, with this committee and all of Congress in a bipartisan fashion, to ensure USAGM has the support and resources necessary to fulfill its mission and that the agency is held accountable to its obligations.

I am grateful to this committee for considering my nomination, and I look forward to answering your questions.

Thank you very much.

Senator KAINE. Ms. Bennett, thank you very much for that testimony.

I have a few housekeeping questions that we ask of all nominees and I want to begin there before moving to five-minute rounds of policy questions.

So first, do you agree to appear before this committee and make officials from your office available to the committee and designated staff when invited?

Ms. BENNETT. I do.

Senator KAINE. Do you agree—do you commit to keep this committee fully and currently informed about the activities under your purview?

Ms. BENNETT. I do.

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

Ms. BENNETT. Yes, Senator, I do.

Senator KAINE. And finally, do you commit to promptly responding to requests for briefings and information requested by the committee and its designated staff?

Ms. BENNETT. Yes, I do.

Senator KAINE. Thank you, Ms. Bennett.

Let me begin with a topic I wish I did not have to begin with. I would like to talk about campaigns against disinformation and how we objectively promote journalism and our own foreign policy ideas.

But I want to start off with talking about the murder of journalists. This is not something that we should have to talk to.

Jamal Khashoggi was a Virginia resident who was murdered in a state-sponsored assassination by the Saudi Arabian government. There still has not been accountability for that murder.

I read accounts that the President may meet with the leaders of Saudi Arabia, who have thus far escaped accountability. Within the last month, a prominent Al Jazeera journalist, Shireen Abu Akleh, was killed by Israeli Defense Forces in Palestine. There have been significant murders of journalists in Mexico.

We could go country after country. This is not unique to any particular left or right or kind of government. It is not unique to any continent, sadly.

But we are seeing journalists increasingly under pressure, not just having their stories suppressed or editorial content blocked but actually at risk for their very lives.

What could the U.S. Agency for Global Media do to either provide some security or at least elevate this topic in the eyes of Americans and those around the world so that we might be able to protect people practicing the craft that you have been about for your entire professional career?

Ms. BENNETT. Thank you very much for that question, Senator, and I, too, wish it was something that we did not have to lead this committee with because it is clear that the situation—the security situation and the safety situation for journalists around the world

is becoming just increasingly fraught, increasingly dangerous, and protecting those journalists and not only those journalists but also the audiences and sources that work with them has got to be a high priority, and there is many things that are already being done to try and protect their security. But there are also many other things that can be done, including working on notification and digital security, and making sure that we have the most up-to-date policies and practices.

Senator KAINE. I appreciate that, and I also believe that even in the selection of content, factually accurate but scrupulously focused attention to the situation of journalists around the world who are under any kind of pressure, certainly, under any threat to their life, can have a way of elevating this in the mind's eye of the public in ways that could be helpful and I would encourage you in that way.

I do not need to kind of cite chapter and verse of challenges but I will say—and you are certainly aware of this because of your recent service on the VOA, which is one of the things, I think, makes you very, very well suited to this position—there have been challenges in morale in the employees within the USAGM.

What steps would you take, using your background not only as a journalist but as a manager—what steps would you take to slowly improve morale among leadership and staff within the agency?

Ms. BENNETT. Yes, thank you. Thank you, Senator. And I take very, very seriously not just the safety of the staff but also their morale, and one thing I found is even during the periods of the most deep, profound morale issues there was still this hunger and passion for the mission.

The first thing I would do is make sure they understand that I share that hunger and passion and that I understand what they are doing and I want to help them do it the best possible way.

And the second thing I would do is to make sure that the conditions at USAGM support them in their mission and that everything we do at USAGM is used to advance the incredibly important work that they do.

Senator KAINE. Let me ask you this question. How do you approach—and again, your VOA experience is very valuable here—how do you approach these twin missions of USAGM being completely independent, trustworthy in delivering information, also advancing U.S. foreign policy interests?

We want to do both. But we, certainly, cannot sacrifice objectivity and accuracy for the latter goal. How do you—what is your philosophy about how you accomplish both those goals?

Ms. BENNETT. Thank you, Senator.

I have never seen those goals as being in opposition. I feel that they are very similar and that modeling the values that we hold as Americans in a democratic society of free press is really an extremely powerful message about the freedoms of a democratic society.

I find that modeling these messages and also bringing truthful news and information about the world and also about American foreign policy—we are, in some parts of the world, the only source of truthful and objective news about American foreign policy, about many subjects.

I think that those two things are really very important and will continue to be so.

Senator KAINE. Thank you, Ms. Bennett.

Before I hand you over to Senator Barrasso for questions, I will just reflect to a time earlier in my life. It was Christmas of 1980, Christmas Eve, and I was on my way to what I thought was going to be a celebration of Christmas with Jesuit missionaries in Honduras where I was working. But instead, our car broke down and the person I was with me said that we had to spend the night sleeping on a dirt floor in a one-room schoolhouse high in the mountains of Honduras.

But we had a radio and we could turn on Voice of America and listen to their Christmas programming. Other than everything else it was the worst Christmas Eve of my life because we only had a can of peanuts to share rather than the dinner we hoped to enjoy with others.

But Voice of America was the one bright spot of that very grim Christmas evening and I will never forget that even though it was 42 years ago.

With that, I will hand it over to Senator Barrasso.

Senator BARRASSO. Thanks so much, Mr. Chairman.

Again, congratulations on the nomination. I have a couple of questions, and I want to get into the issue of Russia and Ukraine and not just the unprovoked military attack on innocent people but also the propaganda that I see being used by Russia targeting specific populations around the world.

It is a fascinating thing that I was not aware of until I really dug into this and, you know, Russia is attempting to influence and persuade African nations, interestingly enough. Evidence of its impact, clearly, shown during the vote at the United Nations on March 2nd of this year.

The United Nations General Assembly passed a resolution condemning Russia's invasion of Ukraine. The vote was 140 to 5 demanding that Russia immediately cease its use of force against Ukraine, refrain from other—any further unlawful threat, condemned the violations, all of that.

Yet, over half of the African countries did not vote to support it. On the vote to condemn Russia's invasion, 28 African nations backed the resolution. Seventeen abstained, eight were no shows, and one nation opposed it.

We know that Russia has had an extensive propaganda operation. When I met with President Zelensky in his office in Kyiv a number of weeks ago and asked what is the disappointment, he said, we expected more support out of Africa in terms of the amount of food that goes to Africa and the relationship and the friendship.

It does seem that Russian-controlled media is pushing the false narrative that Putin is the hero versus telling the truth about his brutality, his military aggression in Ukraine.

How can the United States better shed light on the atrocities and the coercive practices that are committed by countries like Russia?

Ms. BENNETT. Senator, that is an incredibly important question and one that focuses on the strength that USAGM can bring to those questions.

First off, the Russian invasion of Ukraine highlights as never before the power of information, both false information and true information.

The true information about the way that Ukraine has responded to these aggressions is very, very powerful in underlining another nation's support for it and the false information is also very important in helping maintain the aggression the way it is.

And so information is our most important asset in helping combat this.

And, Senator, I thank you for underlying the fact that the mis- and disinformation that come out of Russia, out of China, and Iran do not affect only those populations and the populations around them.

They are also, as I discovered in my travels, absolutely endemic, shockingly endemic, both in Africa and in South and Latin America, and we need to draw on our global capabilities and enhance our global capabilities to push back at this disinformation by flooding the zone with accurate information and I look forward to helping USAGM do that.

Senator BARRASSO. Mr. Chairman, you may have seen this yesterday.

Ms. Bennett, yesterday the State Department spokesperson Ned Price stated this. He said, "The Kremlin is engaged in a full assault on media freedom, access to information, and the truth."

He went on to say the Russian Government fundamentally and willfully disregards what it means to have a free press as evidenced by them blocking or banning nearly every independent Russian outlet seeking to report from inside the country.

Putin is taking over complete control of news and information through censorship, attacks on the press. Russia is labeling media outlets as extremist. You may have seen that. Reading and sharing this—their content on social networks subjects individuals to criminal prosecution.

Russia passed a law imposing 15 years in jail for sharing information that goes against Putin's narrative on Ukraine, basically, against the truth, and Western media is attempting to push back on the disinformation and efforts by leaders such as he to control the news.

How has Russia's actions against the press and journalists impacted what you will be asked to do it at U.S. Agency for Global Media?

Ms. BENNETT. Thank you, Senator.

It impacts in a couple of different ways. One, as you mentioned, the crackdown on the ability of ordinary citizens to receive information and for journalists inside the country to report information makes it increasingly important that our efforts to make sure that we keep ahead of the circumvention tools that we have at our disposal right now and advance them so that we can increasingly get into these closed societies.

We have lots of evidence in Russia, in China, and Iran that the people there, when given the opportunity, will seek out this information and we need to make it available to them.

And I would also underscore for you that the issues—the very dreadful issues that you have just talked about, about the security

and safety issues going on affecting journalists there, I think, does help underscore the role that the passion and mission of journalists play in continuing to do this valuable work.

Senator BARRASSO. That leads into my final question, Mr. Chairman. Thank you for allowing me to go over my time.

What steps can the agency take to get accurate information and news to the Russian people about what their government's actions really are in Ukraine?

Ms. BENNETT. Senator, there are many different ways we can do that. Some of them are technological and some of them are social. But we can see right now that Voice of America and Radio Free Europe are right now getting record traffic from both inside and the Russian periphery. People who are offered the opportunity to get this information seek it out.

We need to make their tools that help them seek it out more available to them, safer, and we also need to get ahead of the technology so that as the Russians and the other authoritarian regimes seek to shut down these countries that we are equally capable in bypassing those barriers.

Senator BARRASSO. Thank you for your helpful answers. Thank you, Mr. Chairman.

Senator KAINE. Absolutely. Thanks, Senator Barrasso.

By WebEx we have Senator Van Hollen now joining us.

[No response.]

Senator KAINE. I will turn to Senator Portman, who, I believe, is also here via WebEx.

Senator PORTMAN. Thank you very much, Chairman Kaine and to Ranking Member Barrasso.

Thank you all for having this hearing and, Ms. Bennett, I appreciate your willingness to step up and serve our country again after your service at the Voice of America, and welcome to your family, including your husband, Don Graham, who I see back behind you somewhere lurking.

I want to talk a little about my concern about what has happened to the U.S. Agency for Global Media. Without having leadership in place it has been kind of adrift. It is my sense that the staff has had some morale challenges and that stable leadership is really needed right now.

I think you probably know better than most, having been director of the Voice of America, the importance of USAGM's reliability and consistency in terms of the foreign audience that trusts them and that, therefore, sets them apart from other news sources.

My question to you is, if confirmed, it would be up to you to reestablish that trust and, by the way, with Congress and the American people as well, but certainly the foreign audiences.

What are your plans and how would you empower the networks to protect freedom and democracy in countries that are increasingly, as we have heard today, under threat from Russia, from China, from other authoritarian regimes?

Ms. BENNETT. Thank you, Senator, and I am glad you used the word trust because one of the hallmarks of my leadership throughout my career has been the fact that I want to cultivate trust with everyone that our news organization touches.

With the staff, with its stakeholders, with its audiences, trust is one of the most important things. Without it, you cannot do anything, going forward.

So going in and reestablishing the trust inside USAGM, I hope, will go a long way towards helping improve the morale there because I saw that even under the most difficult circumstances, even when the morale was the lowest, no one ever, ever, ever abandoned their faith in the mission or their passion for the mission.

And so helping people get the tools and the processes and the support that they need to do that mission, I think, will go a long way towards restoring trust and restoring a morale that is essential to operating effectively.

Senator PORTMAN. Thank you, Ms. Bennett.

I think you will have your hands full and, again, with your background I think you will come in with some credibility with the other journalists there, and I hope that we can at this critical time have a very effective message countering the disinformation and propaganda that is increasing out there in every format, particularly online.

I want to ask you a specific question, if I could, with regard to North Korea. Along with Senator Brown and Senator Coons and others, I wrote and introduced what is called the Otto Warmbier Countering North Korea Censorship and Surveillance Act.

It passed this committee, actually, in October and we are hoping to get a vote on the floor soon. It seeks to combat the North Korea regime's repressive information environment, which is flooded entirely with regime-sponsored propaganda, as you know, and it actually censors outside news.

What is your understanding of Radio Free Asia's and Voice of America's programming to the North Korean audiences?

Ms. BENNETT. Senator, thank you very much, and my understanding, based on my time there, is that there is substantial programming that helps the people in North Korea see and understand what is happening in a truthful way that they cannot access any other way and also gives them a look at what life is like in other parts of the world that—an insight that they are, largely, forbidden to have.

And I think I would like to say that even right now there is a surprising audience inside North Korea for truthful news and information. I have been lucky enough to read some reports that really surprised even me about the extent to which Voice of America and Radio Free Asia's content is available.

And I wonder if I might be permitted—I carried—I was so struck by this that I carry this statement with me. I had it laminated. I put it in my purse, carried it with me and read it to anyone who would listen.

It is about North Korea, and it is a statement that says, "My name is Thae Yong-ho. I am the former deputy ambassador of North Korea to the United Kingdom, and today I would like to say that the Voice of America has been playing a very important role to bring back the human rights to every citizen of the world and, so far, VOA has played a very important role to push the world to a better world."

And when I was in North Korea as a diplomat in the foreign ministry, I read every morning and afternoon the materials. We called them radio reference materials of VOA, and the North Korean regime also pays great attention to the context of VOA.

I think it is very important that VOA should strengthen its activity and also its contents so that one day, I hope, VOA is remembered by the North Korean people as kind of the main player who contributed a lot for the reunification of the Korean Peninsula.

Now, he was speaking on VOA broadcasts. Therefore, the emphasis on VOA. But Radio Free Asia also has the same kind of impact inside North Korea and I think it is one that we can build on and accentuate, going forward.

Senator PORTMAN. Great. Thank you very much.

We also understand that there is some damage to some of the antennas that have been used in the past to be able to broadcast into North Korea and there is a need to repair those antennas.

Should you be confirmed, I would love to work with you on that, and also the Open Technology Fund has some tools to be able to circumvent some of the censorship and I want to be sure that you are working with them as well, who could benefit from our legislation.

Do you have any exposure to that group—to the Open Technology Fund?

Ms. BENNETT. Yes, Senator, I do.

I have met with and talked to the people on the Open Technology Fund. I have nothing but respect and admiration and, frankly, great excitement about the possibility of going there, working with them and helping develop those essential tools.

Yes, Senator, and I will welcome discussions and support from anyone in helping achieve that mission.

Senator PORTMAN. Great. What is your assessment of RFE and Radio Liberty's coverage of the war in Ukraine?

Ms. BENNETT. Senator, I think that the entire U.S. Agency for Global Media are doing just an extraordinary job of covering that conflict and providing useful information to the people there and also to the people around the world.

As we mentioned earlier, it is very, very important to make sure the rest of the world also knows this, and I think that there is so much more that can be done to build on the work that is being done right now to make sure that more people see it, more people hear it, a bigger audience around the world gets that news and information.

I really look forward to working to build on the wonderful work that is being done currently and make it even more available.

Senator PORTMAN. Do you think that Radio Free Europe and Radio Liberty should recommence its physical operations in Russia? Has that been an issue in terms of, as Senator Barrasso asked, allowing the Russian people to get the facts as to what is really going on in Ukraine?

Ms. BENNETT. Senator, I apologize, but I am not very familiar with that particular issue right at the moment. But I look forward to looking into it and getting back to you if you would like.

Senator PORTMAN. That would be great. I think broadcasting news to our Russian audience is really important right now and

that is something to think about is whether we should try to recommence our physical operations there.

Thank you very much for your testimony today and, again, your willingness to step up and be involved in another leadership role, helping to spread truth and, frankly, allowing people around the world to know what America is really up to, which is we are involved in liberating people and helping people and, in Ukraine, trying to avoid atrocities from occurring from Russia, thanks to an unjustified, illegal, unwarranted invasion of that country.

And so my hope is that you will be able to help to communicate that message and that is such a critical message right now, particularly, again, with all the disinformation and propaganda out there, particularly on social media.

So thank you, and best of luck.

Thank you, Mr. Chairman.

Senator KAINE. Thank you, Senator Portman.

I let you exceed your time because I was told that Senator Schatz was on his way and he is here.

And so, Senator Schatz, you are next.

Senator SCHATZ. Thank you very much, Mr. Chairman, and thank you, Ms. Bennett, for being willing to serve again.

I want to start with internet freedom. What lessons did you learn at VOA about the importance of open and reliable internet access in authoritarian countries in particular?

Ms. BENNETT. Senator Schatz, that is a—thank you for that question because that is a very, very important question, and making sure that we stay technologically not just catching up but advanced in providing internet access to people around the world is really critical to making sure that the best work that is being done there gets made available to people around the world because that is increasingly the way people are obtaining their information and is very important, and as authoritarian regimes get better at locking down and closing down those systems we need to get better at breaking them down.

Senator SCHATZ. Tell me about the Open Technology Fund. You do not have to summarize it for me at the more basic level, but how do you think OTF can fill some of these new gaps and, like you say, stay a little bit ahead of the curve of the authoritarians?

Ms. BENNETT. Senator, I am looking forward to diving into that issue and making sure that the good work and research that is being done there we can draw on that to move forward.

One of the most important things that the Open Technology Fund does right now is support and develop and distribute circumvention tools that enable people—audiences—safely to access the content provided by USAGM around the world even when it is denied to them through their own countries' mechanisms.

Senator SCHATZ. And I assume there is an opportunity for private sector partnership here, as some of these circumvention—most of these circumvention tools, I would venture to guess, are developed outside of the four corners of the government.

Ms. BENNETT. It is one of the strengths, I think, of the Open Technology Fund is its ability to see and use those partnerships, and I look forward to expanding them as much as possible.

Senator SCHATZ. I do not want to get you in trouble here. But I am going to say that USAGM was politicized in a way that was deeply unfortunate and has to be reversed, and so I would just like for you to talk through how we are going to maintain the reputation of USAGM and restore the sense among people on both sides of the aisle and across the planet that you are not doing anybody's bidding other than the bidding of fair and accurate information and the dissemination of facts across the planet.

Can you speak to that for me?

Ms. BENNETT. Yes, Senator. Thank you for that question because I think that my nearly 50-year career in journalism I have striven to make sure that I always uphold the principles of neutrality, nonpartisanship, unbiased reporting in journalism and I intend to keep on fulfilling those principles and those are the principles that USAGM wants at its very heart and soul to maintain.

There is no room for partisanship inside the Voice of America. It is a nonpartisan unbiased operation without the ability to act independently and to present news of all kinds. It is of not the greatest use it could possibly be. There is no room for partisanship, Senator.

Senator SCHATZ. Thank you. This question may be a little more challenging, not in a political sense but I am sort of puzzling through this as I think about the Voice of America and Radio Free Asia.

You are producing content and you are putting it on the airwaves. I am not one of these people who thinks that every time there is a new medium for communication the other ones become irrelevant. Radio is still a very powerful tool and we ought to fund it and we—and what they are doing is essential.

And, yet, people are getting their information in lots of new ways. How do you kind of envision—other than or in addition to OTF and kind of the convening authority that you have and the ability that you have to distribute dissemination tools, what does VOA look like in 50 years? Is it still radio? What does the future look like?

Ms. BENNETT. Senator, I wish I could see ahead 50 years. But what I can say is that I am a very pragmatic leader. What I care about is what works.

If people are receiving their news and information on their cell phones then we should provide news and information on their cell phones. If they are providing—if they are accessing news and information through shortwave radio we should be providing information and news to them via shortwave radio.

We need to use the tools that work and it needs to be a fact-based decision on how we deploy our resources to do that and I think it is a very exciting opportunity to be able to continue to focus our resources where they can be most effectively used.

Senator SCHATZ. Just one final question, though.

Is there someone doing analysis of sort of the mix of mediums, right? When you do any kind of communications campaign you say, well, there is going to be 10 percent for print and 20 percent for web and 10 percent for radio and the rest for television.

Are you thinking through what the mix is? Because the government funding lines do not necessarily—they are not so anticipatory and they are probably not so flexible. I am just wondering if at

least we can be in a dialogue about what that mix is over what period of time.

And you do not necessarily—you are not in charge of precipitating the transformation but you, I think, are in charge of writing it, understanding it, and remaining effective in a changing landscape.

Ms. BENNETT. Yes, Senator. I think there is—I think that is a very exciting challenge and I think it is one that we can continue to do most not only effectively but more effectively, and it is a very interesting challenge because that mix is different in different parts of the world and in different countries.

And so doing deep analyses of who the audience is, what they need, what they are looking for, is really critical to making those decisions. The more information we have like that and the more attention we pay to it, the better decisions we are going to make on that subject in the future.

Senator SCHATZ. Sure. As a perfect example, shortwave radio is not something that comes top of mind in the United States and is still an enormously powerful tool elsewhere.

Ms. BENNETT. Yes, Senator. May I give you an example?

Because at my time at Voice of America, I am sure you remember the tremendous tragedy inside Myanmar when the Rohingya were chased from their homes and were forced to resettle in Bangladesh.

Shortly after that happened, people were still coming across the river. I went to the refugee camps in Bangladesh to see the Rohingya refugees and discovered that even if they had just been chased from their homes, their hunger for information was just as strong as in any other part of the world, and very quickly, very flexibly, very nimbly, we were able to set up a Rohingya language broadcast using shortwave into those camps and we created—back at Voice of America created a model that is replicable into other refugee camps around the world.

So yes, I agree with you, Senator.

Senator SCHATZ. Thank you very much.

Thank you, Chairman.

Senator KAINE. Thank you, Senator Schatz.

Ms. Bennett, one last question for me and then I will see if others here have questions. Senator Barrasso is introducing a witness at another committee hearing and will return.

The question I want to ask is I sometimes worry about the silo effect of federal government or any institution that everybody has got their little piece, and instead of looking comprehensively we sort of get into our silos.

USAGM is an important element of global—sort of global engagement, public diplomacy, but there is other agencies, institutions, and bureaus within the U.S. government that are also in that public diplomacy space.

Talk a little bit about how you see USAGM kind of in that array of other actors and what are the appropriate relationships to build and nurture among the network without compromising the journalistic objectivity that USAGM needs to maintain.

Ms. BENNETT. Absolutely, Senator. Thank you for asking that question.

And I hate silos. I hate silos. They are—they impede people doing their best work. And so I think that there are many, many tools in the information space that USAGM occupies, and making sure that USAGM is a willing and open and transparent and trustworthy partner to help look at the different ways that people are accessing information and the different lanes that people fulfill in doing that mission, I think, is incredibly important and I really commit to making sure that we avoid silos of all kinds in our work.

Senator KAINE. Senator Menendez is on the way here so I am going to keep asking questions until he arrives.

Let me ask you this. In your VOA experience, did you kind of—did you have the feeling as you looked at what other nations were doing, wow, we are out resourced, or we are getting the right amount of resources?

I am assuming you did not feel like you were getting too many. So what has been your sense in the recent iteration of USAGM and Voice of America about the degree of resources that the U.S. is committing to this—these important goals vis-a-vis other nations?

Ms. BENNETT. Senator, we appreciate the financial support that the Senate gives to us at any amount and, yet, I can say that looking out over the globe we are vastly out resourced by our competitors and our adversaries.

Whatever the funding level we get, Voice of America, Radio Free Europe, Radio Free Asia, Office of Cuba Broadcasting, and the Office of Middle East Broadcasting will all continue to do our best.

However, we are facing an extremely well resourced, professional, and very impressive infrastructure around the world, and whatever resources we can be given in the future will be put to good use.

Senator KAINE. And those adversaries are, principally, Russia and China but not exclusively. I think Iran has Spanish language broadcasting capacity.

Are there other nations than those that I have mentioned that are really active in this area that we need to pay attention to as we make our own resource decisions?

Ms. BENNETT. Those three nations are the primary sources of that kind of competition. The thing that I think people find surprising is that this kind of—these three adversaries are operating not just in their own countries and their neighboring countries but all over the world, and so it is equally important to be aware of the incredible inroads they are making in Africa and Latin and South America, as well as the rest of the globe.

Senator KAINE. Ms. Bennett, thank you.

I will now turn to Senator Menendez for his questions.

The CHAIRMAN. Thank you, Mr. Chairman.

Ms. Bennett, congratulations on your nomination. I am sorry that other obligations kept me away from hearing the totality of your testimony so you will excuse me if something I ask you may have been asked already.

When a foreign country like China goes ahead and puts a couple of million Uyghurs in concentration camps—and we know that to be true—when Cuba goes ahead and represses its citizens for peacefully protesting and recently passed a law that actually makes for what we would consider free speech rights a punishment

by death—and we know that to be true—it is publicly reported—what is the—what is our obligation?

I use those by ways of example. It can be—I can go to Africa. I can go to a whole bunch of places. What is our obligation, from your perspective, with the U.S. Agency for Global Media to do as it relates to reporting about those instances and those challenges in the world?

Ms. BENNETT. Senator, thank you very much. That is—that kind of obligation is at the heart of the mission of USAGM because reporting truthfully and factually the kind of information that the repressive regimes such as the ones you named are trying to keep from the world and from their own people is really a key component of what USAGM does.

And I also think that reporting on repressive regimes and human rights such as the ones that you just mentioned are felt by journalists in their very soul. It is what they want to do. They want to make sure that these unseen and unheard people are able to bring their stories to the world and that information is a powerful tool.

The Chairman: And, especially, I would assume, that since that information, especially in closed societies where the state is the only actor in terms of providing information to its people to the extent that others can get in from—people within those countries can get information by circumvention tools or by the internet to the access—to the extent that they have access to the internet or in other forums, it seems to me that it is one of the critically important elements of what we do in surrogate broadcasting in the world is to give a window of information to closed societies and people who do not otherwise have—because of the nature of their repressive regimes do not have that open window.

So is that a fair statement of your view of policy?

Ms. BENNETT. Senator, it is an absolutely fair statement.

The CHAIRMAN. Because there have been suggestions in the past that your previous roles suggests that that is not the view that you had, that in fact that you were, "advocates" for some of the views of these regimes, and I just wanted to set the record straight since not too many may attend the hearing but when it comes time for a business meeting we will hear a chorus of things from some people.

Ms. BENNETT. Senator, I appreciate that, and my entire journalistic career has been devoted to giving truthful news and information and not advocating for any position whatsoever, especially not that of a repressive regime.

The CHAIRMAN. And one last thing. As you are probably aware, Congress has legislated a series of reforms to the board, as we would refer to it, following the dissolution of the Broadcasters Board of Governors model.

In all these changes, Congress has made clear that an advisory board comprised of experienced professionals who are not otherwise employed by the U.S. government is critical to protecting the firewall that we have sought to establish.

If confirmed, do you agree and how would you expect to utilize that advisory board?

Ms. BENNETT. Senator, I agree that boards can and should be an important partner in making the kinds of decisions that you need

to make inside an agency like this, and I will commit to working collaboratively, openly, truthfully, and on a nonpartisan basis with such an advisory board.

The CHAIRMAN. Thank you very much.

Senator KAINE. Ms. Bennett, I thank you for your testimony. Again, congratulations on your nomination.

I am going to ask that the committee record on this hearing be open until 5:00 p.m. on Thursday, the 9th of June.

If any colleagues either who have been here or who were not unable to attend submit questions before that time, I would encourage you to answer them fully and promptly.

And with that, the committee hearing is adjourned.

[Whereupon, at 3:53 p.m., the hearing was adjourned.]

Additional Material Submitted for the Record

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO AMANDA BENNETT BY SENATOR ROBERT MENENDEZ

Grantees vs. Broadcasters

Question. You have experience running Voice of America, which has a unique mission among the various surrogates under USAGM's mandate.

- How will you work to ensure that each of the surrogates can fulfill its unique mandate?

Answer. If I am fortunate enough to be confirmed, I would work to ensure that everything USAGM does supports its mission as a stable, coordinated, efficient, and transparent organization serving its surrogates and to create conditions in which truthful journalism can be most effectively practiced. I would work to ensure coordination and cooperation among networks to make the most efficient use of all the agency's assets. And I would reaffirm both the mission and the editorial independence that underpins the worldwide credibility that USAGM surrogates all enjoy.

Imbalance of Resources

Question. Despite Congressional efforts to boost resources across the U.S. Government to counter misinformation, , malign actors like Russia and China continue to invest significant amounts in their disinformation and propaganda efforts.

- What specific efforts through the broadcasters and grantees do you believe are the most valuable in countering misinformation?

Answer. If confirmed, I would seek to accelerate across all USAGM broadcasters and grantees advances in technology and effective implementation, including circumvention tools and other emerging means, to ensure that information can be seen and heard by the people who need it the most, especially those in closed societies where people do not otherwise have access. This requires USAGM to become even more sophisticated in its efforts to break down information-blocking barriers from repressive authoritarian regimes, like Russia and China, and to be maximally and strategically prepared to flood the zone with fact-based, truthful reporting to the largest global audiences and in as many easily accessible means as possible.

Question. What role do you see for USAGM in growing audiences for fact-checking and combatting disinformation?

Answer. If confirmed, I would welcome the opportunity to work within USAGM and its entities and with interagency partners, Congress and stakeholders on this matter.

Question. Do you commit to engage constructively with representatives of organized labor on behalf of any employees of USAGM or its affiliates?

Answer. Yes, if confirmed.

Question. Do you commit to convene promotion boards for any eligible Foreign Service Officers at USAGM or its affiliates?

Answer. Yes, if confirmed.

Question. During your time as head of VOA, did you convene promotion boards for eligible Foreign Service Officers at VOA?

Answer. To my knowledge, boards for eligible Foreign Service Offices were convened during my tenure.

Question. What is your view on the role of Foreign Service Officers as journalists for USAGM or its affiliates?

Answer. I respect the role of Foreign Service Officers as journalists for USAGM and its affiliates in support of its mission, and if confirmed, I pledge to carefully balance various agency equities, including best use of resources and avoiding duplication.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO AMANDA BENNETT BY SENATOR JAMES E. RISCH

Management and Operations

Question. What is your understanding of morale throughout the U.S. Agency for Global Media (USAGM)?

Answer. While I am not at USAGM and cannot speak with certainty, I can appreciate that the past few years have likely been stressful for the agency and staff due in large part to the global pandemic and its impacts, as well as the fact that there have been four different heads of agency over the past three years. Furthermore, threats to freedom of the press and journalist safety are at an all-time high. This prolonged strain, uncertainty, and insecurity has no doubt taken its toll on morale overall. That said, I have deep respect and admiration for this agency's workforce and experienced first-hand their hunger and passion for the mission despite possible morale shortcomings.

Question. How do you intend to improve morale at USAGM?

Answer. If confirmed, I would take morale very seriously and devote attention to achieving significant positive impacts, like what we were able to accomplish during my tenure at VOA as shown by annual improvements to its FEVS ratings during my tenure. If confirmed, the first thing I would do is make sure agency staff understand that I share their hunger and passion for the mission, that I understand what they're doing, and that I would do my best to help them achieve success. The second thing I would do is to make sure that the conditions at USAGM support them in their mission and that everything at USAGM will be used to advance the incredibly important work that they do.

Question. How do you intend to create a unified mission and vision at USAGM?

Answer. If confirmed, I would work to ensure that everything that USAGM does supports its mission as a stable, coordinated, efficient, and transparent organization serving its broadcasters and creating conditions in which truthful journalism can be most effectively practiced.

Question. How would you describe your management style?

Answer. Over my nearly 50-years long career, I have done my best to lead by example, to set expectations regarding the highest journalistic standards, and to communicate clearly about those expectations. If confirmed, this is the approach I would continue to take as CEO. I am a pragmatic leader. I want to do what works best. I make decisions based on facts and with input from relevant stakeholders. I have a history of producing and leading the production of fact-based, nonpartisan news coverage.

Question. Do you believe it is ever acceptable or constructive to berate subordinates, either in public or private?

Answer. To the extent a leader must deliver constructive feedback to subordinates, my strong preference, if confirmed, would always be to do so in a respectful manner and in private.

Question. Was bullying tolerated at VOA during your tenure?

Answer. No, bullying was not and should not be tolerated, and if confirmed, I would not tolerate bullying or any other form of harassment.

Question. What is the appropriate leadership response upon learning that a supervisor is bullying employees?

Answer. The appropriate leadership response, and one I would adhere to if confirmed, would be to alert agency officials and to follow all required policies and procedures.

Question. Is it appropriate to mislead or lie about one's background on a resume? If not, what is the appropriate remedy to such a situation?

Answer. No, it is never appropriate to be intentionally deceptive on a resume, including to mislead or lie. The appropriate remedy, and one I would adhere to if confirmed, would be to alert agency officials and to follow all required policies and procedures.

Question. In your opinion, when is it appropriate for a federal employee of USAGM or a USAGM affiliate to participate in the activities of another U.S. government entity or initiative? When is it not appropriate?

Answer. To my knowledge, there are rules and regulations regarding federal employee participation in the activities of another U.S. government entity or initiative which, if confirmed, I commit to continuing to follow.

Question. When leading an organization, is it appropriate to hire personal acquaintances to senior positions? In what instances would it be appropriate?

Answer. If confirmed, I would look forward to bringing a deep and broad knowledge of industry and government wide expertise to my role as CEO to attract the best talent while as I have done in the past, committing to continuing to follow all required policies and procedures related to attracting, recruiting, and retaining top talent in service to our country.

Question. Are you aware of flaws in USAGM's security processes that were identified by the Office of Personal Management as well as the Office of the Director of National Intelligence? If yes, what do you intend to do to address those flaws, if confirmed?

Answer. Yes, I am aware that there are security processes USAGM has been working to improve, and if confirmed, I commit to immediately focusing on all aspects of USAGM's security processes, as well as agency actions taken or underway.

Question. Are USAGM networks and grantees higher priority targets than other news organizations due to its connections to the U.S. government?

Answer. Yes, the safety and security of journalists (and in some cases also their families) is at higher risk because of the agency's commitment to providing factual news and information to people under authoritarian regimes who have no other access to do this. The safety and security of journalists is of utmost priority as risks to reliable, fact-based reporting increase at historic rates.

Question. Is it important for USAGM to do its best to ensure that the employees of networks and grantees are not in any way influenced by foreign governments?

Answer. Absolutely.

Grantees

Question. Should USAGM have control over not just funding for the grantees—Radio Free Europe/Radio Liberty, Radio Free Asia, Middle East Broadcasting Networks, and the Open Technology Fund)—but also operational or editorial control? Should they have more autonomy?

Answer. If confirmed, I would abide by all statutory authorities and provisions provided by Congress to the CEO of USAGM and would welcome engagement with Congress on these topics or any proposed changes.

Question. Should USAGM control the make-up of the grantee boards?

Answer. If confirmed, I would abide by all statutory authorities and provisions provided by Congress to the CEO of USAGM and would welcome engagement with Congress on these topics or any proposed changes.

Voice of America (VOA)

Question. What is VOA's mission and would you change it in any way, if confirmed?

Answer. Enacted in 1976, Congress enumerated in Public Law 94–350 (also known as the VOA Charter) three principles to define the organization's mission (PL 94–350), and if confirmed, I commit to following Congress' mandate and would welcome engagement with Congress on any proposed changes.

Question. Is one of VOA's primary responsibilities covering U.S. news, including actions and statements by the U.S. government?

Answer. Yes, according to Congress, two of PL 94–350's (also known as the VOA Charter) guiding principles expressly state that VOA will cover America, and if confirmed, I commit to following Congress' mandate.

Question. How is VOA different from CNN/CNN International? From BBC and its language services?

Answer. CNN/CNN International is different from VOA in many ways. CNN/CNN International is a for-profit, commercial-driven model; while its broadcasts are occasionally available in locations such as international airports and hotels frequented by international business travelers, they have almost no audience in USAGM markets outside such high-end venues. CNN/CNN International provide news and information geared mainly to U.S. and international travelers. Unlike USAGM networks, CNN/CNN International provide almost no coverage of international or local news geared toward audiences with no other access to fact-based information, nor are they required to share news and information about the U.S., its people and policies to the world. Unlike USAGM networks, which provide news and information in (62) local languages, CNN/CNN International provides news and information in seven languages, including such languages as English, German, and Japanese, aimed at economically developed and largely free markets. While CNN/ CNN International is typically available to audiences via costly satellite subscription and high-bandwidth services, USAGM's networks are distributed free via satellite, social media, our websites, OTT applications, FM radio, medium wave radio, shortwave radio, always catered to the viewing and listening preferences of its target audiences in each market. While the BBC operates in 22 fewer languages than does USAGM, its journalism is similar to VOA and USAGM's other networks in that it does a good job in hard-to-reach places and is able to reach audiences inside authoritarian regimes where there is no other access for truthful, fact-based information. USAGM works closely with the BBC to ensure that, in markets where both are operating, efforts are co-productive and not redundant.

Question. Who are VOA's most important audiences?

Answer. VOA's most important audiences are those inside authoritarian regimes where there is no other access for truthful, fact-based information.

Question. Should VOA journalists be forward deployed to report on non-U.S. news?

Answer. As circumstances warrant, there may be value in support of USAGM mission for this to happen, and if confirmed, I would require collaboration and coordination across entities to ensure best use of resources and to avoid duplication.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO AMANDA BENNETT BY SENATOR MARCO RUBIO

Question. Earlier this year, USAGM notified Congress of its intent to explore a reduction in force (RIF) for the Office of Cuba Broadcasting (OCB). Following through on this action would mean letting go of dozens of OCB staff. This RIF seems like a counterintuitive plan given that Cuba experienced historic protests on July 11, 2021. These protests demonstrated the demand for uncensored information is higher than ever on the island.

- Do you agree with the decision to reduce the size of OCB in light of recent events in Cuba?

Answer. While I am not privy to USAGM's current internal budget considerations, I am aware that OCB's appropriation has taken a significant cut and one that would present notable challenges for any organization. I commit that, if confirmed, I will review this issue closely and work to ensure that OCB creates the greatest impact for every dollar Congress provides the network and seek additional funding wherever possible to assist OCB in fulfilling its mission.

Question. If confirmed, do you commit to supporting an increase to OCB's budget and role in countering the Castro/Diaz-Canel regime?

Answer. Yes.

Question. Are you supportive of the efforts to relocate OCB from Miami to Washington, D.C., even though most of the Cuban American community supports it remaining in Miami?

Answer. Though I do not have a full sense of what USAGM may have under consideration regarding changes to its footprint in Florida or elsewhere, I recognize that OCB has a strong historic connection to the Cuban American community in Miami, and if confirmed, I would be very mindful of the importance of those connections.

Question. USAGM must do more to counter and balance the narratives amplified by China and Russian state media, which are increasingly sophisticated in their international offerings. In some cases, Russia Today (RT) and Chinese Global Television Network (CGTN) affiliates are among the most popular news sources in Latin America, Africa, and Southeast Asia. In short, Russia and China are starting to win the war for hearts and minds in the countries we need to support the U.S.

- If confirmed, how will you enhance USAGM's efforts to provide media offerings that can compete with RT and CGTN, as well as other versions of our adversaries' state-run media?

Answer. If confirmed, I commit to doing all I can to enhance USAGM's efforts to provide media offerings that can compete with Russia Today (RT) and Chinese Global Television Network (CGTN) to audiences who need it the most. USAGM also must become more sophisticated and strategic than its adversaries and be maximally prepared to flood the zone with fact-based, truthful reporting to the largest global audiences—including in Latin America, Africa, and Southeast Asia—and in as many more easily accessible means as possible.

Question. While you led Voice of America, you faced criticism from Chinese and Cuban diaspora communities who accused VOA of glorifying communist leaders like Fidel Castro and Che Guevara and for repeating Chinese Communist Party (CCP) talking points without offering other views. In particular, an April 7, 2020 article documents the end of the lockdown in Wuhan without clarifying that the CCP implemented the lockdown with brutal severity—and in some cases, welding people shut into their apartments.

- Why did VOA articles, including the April 7 article, consistently not provide additional information countering Chinese Government statements about the lockdown?

Answer. If confirmed, I pledge to continue my 50-year commitment to unbiased, fact-based, truthful, believable reporting and protecting news and information from the increasingly rigorous attempts to block it.

Question. Is it appropriate for VOA to implicitly endorse the policies of our top strategic competitor?

Answer. No.

Question. In April 2017, USAGM broadcasted an interview with Guo Wengui, a well-known critic of General Secretary Xi Jinping. Mid-interview, the broadcast was cut off. According to some critics, this was at the behest of the People's Republic of China embassy in D.C.

- Can you confirm if VOA personnel, under your watch, cut off the interview due to pressure from the Chinese embassy? If not, why was the interview abruptly ended?

Answer. Respectfully, the interview was not cut off due to pressure from the Chinese embassy. VOA leadership ended the interview when it was clear that required journalistic ethics and professional standards were not being followed.

Question. Did the agency acknowledge, in a timely way, that the CCP raised objections to the interview?

Answer. I am not entirely clear what this question is asking, but my experience was that in all appropriate venues, including in discussions with Congress, the agency acknowledged the objections raised by the CCP and the fact that these objections did not influence content. The agency routinely received objections related to its programming (from CCP, as well as other governments and stakeholders), and did not bow to pressure or influence from foreign governments in its decision-making or in its production of full, fair, and balanced journalism in the face of even the most extreme pressures.

Question. Were agency employees disciplined in this matter, and if so, to what extent?

Answer. Yes, agency employees were disciplined in this matter, but respectfully, my understanding is that privacy rules may prevent me from discussing details in employee personnel files.

Question. There are reports that a new China Branch director ordered employees to "balance" the "anti-China" tone with more "pro-China" voices in their reports.

- Given the Chinese record of human rights violations and its significant anti-US propaganda effort, what is your view of this?

Answer. To be clear, there is absolutely no place for biased coverage in favor of China or any other regime. Over my nearly 50-year career in journalism, I have striven to make sure that I always uphold the principles of unbiased reporting in journalism, neutrality, and nonpartisanship. During my tenure at VOA, I took every allegation of bias coverage seriously and scrupulously looked into them. I also have a strong track record as an open, accessible, and transparent leader who routinely engaged with Congress and stakeholders. If confirmed, I commit to continuing this approach on behalf of USAGM.

Question. Reports indicate that USAGM/VOA has experienced a loss of 55 million people of VOA's audience in China. This information emerged in a program review meeting that included the entire China branch, in which VOA's program review office informed staff of the audience survey. By some calculations, that translated to an 85-90 percent audience loss for VOA's Mandarin Service.

- Can you confirm that VOA's Mandarin service experienced this loss in viewership in China?

Answer. Respectfully, I am unfamiliar with these reports and cannot confirm; rather, I recall an increase in the Chinese audience thanks in part to online access.

Question. What are the reasons for this loss in viewership?

Answer. Again, I am not aware of this loss in Chinese viewership and question whether something may have been misunderstood about the information presented at the time.

Question. If confirmed, what steps will you take to reverse this loss?

Answer. If confirmed, I commit to ensuring that information can be seen and heard by the people who need it the most.

Question. What is your response to other claims that VOA has not sufficiently covered human rights abuses in Cuba, Iran, and China?

Answer. At the heart of the mission of USAGM is the responsibility to report truthfully and factually the kind of information and human rights abuses that the repressive regimes are trying to keep from the world and from their own people. Making sure that these unseen and unheard people can bring their stories to the world is a key component of what USAGM does, and if confirmed, one I intend to uphold.

Question. In light of these claims, how can the committee be confident of your ability to lead USAGM to counter Chinese and Russian propaganda, if you are confirmed?

Answer. If confirmed, I would intend to lead by empowering USAGM and its entities to model the values of a free press that we hold as Americans in a democratic society. This is an extremely powerful message to send to authoritarian regimes intent on undermining credible, fact-based, and unbiased coverage around the globe. If confirmed, I look forward to helping USAGM draw upon and enhance our global capabilities to push back at Chinese and Russian propaganda, to amplify its capacity and to flood the zone with accurate information.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO AMANDA BENNETT BY SENATOR TED CRUZ

VOA/China

Question. In May 2017, Sasha Gong—then the Voice of America's Mandarin Service Chief—suggested that VOA's top management caved to pressure from the Chinese Communist Party (CCP) to censor a broadcast built around allegations made by CCP critic Guo Wengui. Specifically, Ms. Gong wrote in the Wall Street Journal that "On April 13, six days in advance, VOA began promoting the interview to audiences on all of its platforms. On April 17 the Chinese Government issued an arrest warrant for Mr. Guo without making public any details of his alleged crimes. That same day, the Chinese Foreign Ministry summoned VOA's Beijing correspondent and complained that the interview constituted interference in China's internal affairs. Specifically, the Chinese said the interview would disturb the 19th Communist

Party Congress, which is scheduled to be held later this year. The Chinese threatened to 'respond seriously' if the interview went forward. A few hours later, the VOA's top management in Washington asked me to cancel the live interview." The interview was ultimately aired in a limited version. Ms. Gong was subsequently fired by VOA management in 2018.

- Were you contacted by any officials of the CCP or the People's Republic of China (PRC) regarding VOA's plans to air the broadcast related to Mr. Guo's allegations? If so, please identify the names and titles of those CCP or PRC officials, and describe their requests. For each case, please be specific whether the officials requested that you in any way change the broadcast related to Mr. Guo's allegations, and if so in what way?

Answer. No, I was not personally contacted by officials of the Chinese Communist Party (CCP) or the People's Republic of China (PRC).

Question. Were you contacted by any officials from Chinese news organizations regarding VOA's plans to air the broadcast related to Mr. Guo's allegations? If so, please identify the names and titles of those CCP or PRC officials, and describe their requests. For each case, please be specific whether the officials requested that you in any way change the broadcast related to Mr. Guo's allegations, and if so in what way?

Answer. No, I was not personally contacted by officials from Chinese news organizations.

Question. To your knowledge, were any other VOA officials contacted by any officials of the CCP or the PRC regarding VOA's plans to air the broadcast related to Mr. Guo's allegations? If so, please identify the names and titles of those CCP or PRC officials, and describe their requests. For each case, please be specific whether the officials requested that you in any way change the broadcast related to Mr. Guo's allegations, and if so in what way?

Answer. To my knowledge, VOA officials were contacted by CCP or PRC officials. I recall that the Chinese Foreign Ministry contacted the VOA Beijing Bureau Chief to raise concerns about going forward with the interview and that the VOA Deputy Director took a call demanding that VOA not air the proposed broadcast. I am not aware of names or titles. This is not uncommon when journalists and news organizations receive threats from authoritarian regimes; they often do not identify themselves.

Question. Since the decision to limit Mr. Guo's interview, have you met with either CCP or PRC officials in a personal or professional capacity? If so, did you discuss with those officials, at those subsequent meetings, the circumstances around Mr. Guo's interview and its ultimate airing?

Answer. No, I have not met with either CCP or PRC officials in a personal or professional capacity.

VOA/Iran

Question. The management of VOA's Persian News Network (VOA Persian) before and during your tenure was deeply controversial. In 2020, U.S. special representative for Iran Brian Hook—who according to public reports continues to be targeted for murder by the Iranian regime for his service—wrote that "Iranian viewers say its American taxpayer-funded programming often sounds more like the 'Voice of the mullahs' than the 'Voice of America.'" Hook noted that the outlet's reputation for pro-regime propaganda and bias went back years: "In 2014, a group of congressional representatives from both sides of the aisle called for an investigation into VOA Persian after allegations that it deliberately papered over the regime's brutal human rights record."

VOA Persian has also faced sustained scrutiny, including recent Congressional inquiries sent to the USAGM, regarding the on-again-off-again employment of Setareh Derakhshesh Sieg. During your tenure at VOA, VOA Persian was headed by Ms. Sieg. She was reportedly fired in 2021 for misusing official funds and falsifying her resume. The culture she had established at VOA Persian during your tenure was corrosive, according to government investigations and whistleblower accounts. A 2016 OPM investigation reportedly uncovered a culture in which more than half of employees at VOA Persian believed that arbitrary action, personal favoritism, and coercion for partisan political purposes were tolerated. Last year Ms. Sieg was reinstated.

- What steps did you take during your tenure to counter the broadcast and publication at VOA Persian of materials biased in favor of the Iranian regime?

Answer. To be clear, there is absolutely no place for biased coverage in favor of Iran or any other regime. Over my nearly 50-year career in journalism, I have striven to make sure that I always uphold the principles of unbiased reporting in journalism, neutrality, and nonpartisanship. During my tenure at VOA, I took allegations of biased coverage seriously and scrupulously looked into them. I also have a strong track record as an open, accessible, and transparent leader who routinely engaged with Congress and stakeholders.

Question. If confirmed, what specific steps do you intend to take to counter the broadcast and publication across all of USAGM of materials biased in favor of the Iranian regime?

Answer. If confirmed, I would work to ensure that everything that USAGM does supports its mission as a stable, coordinated, efficient, and transparent organization serving its broadcasters and creating conditions in which truthful journalism can be most effectively practiced.

Question. Do you agree with the characterization made by Special Envoy Hook? If not, why not?

Answer. No, I respectfully do not agree with that characterization. At the heart of the mission of USAGM is the responsibility to report truthfully and factually the kind of information and human rights abuses that the repressive regimes, including Iran, are trying to keep from the world and from their own people. Making sure that these unseen and unheard people can bring their stories to the world is a key component of what USAGM does, and if confirmed, one I intend to uphold.

Question. Were you aware of Ms. Sieg's false credentials when she served during your tenure at VOA? What role did you play in hiring or supervising her?

Answer. During my tenure, I recall being made aware of allegations like these and referring them to the appropriate USAGM officials for handling in accordance with all required agency policies and procedures. I did not play a role in hiring Ms. Sieg; she was already employed by VOA prior to my arrival. I did not directly supervise Ms. Sieg; she was a direct report to the VOA Program Director.

Question. If confirmed, what role do you envision in USAGM or VOA for Ms. Sieg? What steps do you intend to take to insulate USAGM employees from political pressure, including and especially to produce coverage biased in favor of the Iranian regime?

Answer. If confirmed, I would arrive without a predetermined vision regarding any agency staff absent first conducting a review in accordance with that agency's editorial independence to better understand USAGM resources and needs to best serve its mission. Over my nearly 50-year career in journalism, I have strived to make sure that I always uphold the principles of neutrality, nonpartisanship, unbiased reporting in journalism. If confirmed, I intend to keep on fulfilling those principles.

DREAMer advocacy/conflicts of interest

Question. You are a co-founder of TheDream.US, which is a project of the New Venture Fund, a leftwing 501(c)(3). The group describes itself as, "the nation's largest college access and success scholarship program for DREAMers," i.e. those who have lived in the United States illegally since coming to the country as a minor. According to TheDream.US, "supporters of TheDream.US nationally include the Bill & Melinda Gates Foundation, the Pershing Square Foundation, Bloomberg Philanthropies, Bill and Steve Graham and the Omidyar Network."

You have allegedly engaged in these and similar advocacies in your official capacity at VOA. In July 2016 you reportedly sent an internal email urging readers to "check out this week's highlights" which included you highlighting that "VOA Spanish interviewed two undocumented immigrants who are high school valedictorians in Texas. Larissa Martinez of Dallas, who received a full scholarship to Yale University, said that many illegal immigrants like her live in fear. She called Republican presidential hopeful Donald Trump's immigration plan one of 'hate and prejudice.'"

- Is it accurate that you sent the email describing then-candidate Donald Trump's immigration plan as one of "hate and prejudice"? If so, to what extent do you consider that to have been a lapse in personal judgment?

Answer. While I am not entirely clear what is being referred to here, I do recall compilation emails consisting of multiple news items chosen by its services were periodically sent to staff and were in no way intended to represent advocacy by me in my official capacity. To be clear, I served in no advocacy role at VOA, and if confirmed, I would not serve in any advocacy role at USAGM.

Question. If confirmed, what specific steps do you intend to take to insulate the USAGM from your personal political advocacy, including on issues related to immigration?

Answer. Prior to joining VOA in 2016, I resigned from any and all roles and responsibilities as co-founder of TheDream.US. In anticipation of this confirmation process, I also resigned from my positions on all remaining external organizations. If confirmed, I would comply with all aspects of my required ethics agreement with the Office of Government Ethics.

Question. How much funding has TheDream.US received from each of: the Bill & Melinda Gates Foundation, the Pershing Square Foundation, Bloomberg Philanthropies, Bill and Steve Graham and the Omidyar Network?

Answer. Respectfully, I am responding in my personal capacity as a nominee; as stated above, I resigned from TheDream.US and do not have access to this information.

Question. If confirmed, what specific steps do you intend to take to insulate USAGM from influence related to each of the Bill & Melinda Gates Foundation, the Pershing Square Foundation, Bloomberg Philanthropies, Bill and Steve Graham and the Omidyar Network?

Answer. As stated above, if confirmed, I would comply with all aspects of my required ethics agreement with the Office of Government Ethics.

Question. Please list any other donors to TheDream.US who have contributed in excess of $1000 and describe the specific steps you intend to take, if confirmed, to insulate USAGM from influence related to those funders.

Answer. Respectfully, I am responding in my personal capacity as a nominee; as stated above, I resigned from TheDream.US and do not have access to this information. Further, if confirmed, I would comply with all aspects of my required ethics agreement with the Office of Government Ethics.

Question. Please list any foreign donors to TheDream.US who have contributed any amount of funding and describe the specific steps you intend to take, if confirmed, to insulate USAGM from influence related to those funders.

Answer. None, to my knowledge. However, I am responding in my personal capacity as a nominee; as stated above, I resigned from TheDream.US and do not have access to this information.

Question. Has TheDream.US received funding for the U.S. Federal Government, and if so how much?

Answer. None, to my knowledge. However, I am responding in my personal capacity as a nominee; as stated above, I resigned from TheDream.US and do not have access to this information.

Spending/Oversight

Question. USAspending.gov, the official source for spending data for the U.S. Government, shows a completed delivery order—PIID 95170018F1222—from USAGM to Mobomo, LLC in 2018. The obligated amount was listed as $10.8 million and the potential award amount was $16.5 million. According to documentation on Mobomo's site, they developed for VOA a Content Management System (CMS) named "Voltron." The development would have moved VOA away from its long-time reliance on the Pangea CMS platform.

USAGM's FY 2021 "Performance and Accountability Report," however, notes that "In FY 2021, USAGM completed an enterprise audit of content management systems across all of its networks. As a result of this review, the decision was made to bring all networks to a common CMS platform and VOA began transitioning all of its services back to the common Pangea system."

- How much money was spent on the failed transition from Voltron to Pangea, to your knowledge?

Answer. I left VOA in June 2020, and to my knowledge, Voltron had only been partially completed. Respectfully, I would defer to the agency on costs associated with any subsequent transition from Voltron to Pangea.

Question. What was the justification for transitioning to a new CMS?

Answer. When I arrived at VOA, the agency needed significant upgrades across a wide range of technologies. I focused on improvements to a content management system to better equip the agency and its staff to fulfill its mission.

Question. Why and how was Mobomo chosen to be the vendor for developing a new CMS?

Answer. My understanding is that this vendor would have been selected pursuant to an independent procurement process conducted by USAGM's Office of Contracts in accordance with federal acquisition regulations and agency policies on procurement.

Question. In your understanding, why did the transition to a new CMS fail?

Answer. Voltron was still in its early stages of implementation at the time I left VOA. Since I am no longer at VOA, I do not have visibility on why the transition to a new CMS ultimately failed.

Question. If confirmed, what specific steps do you intend to ensure that future digital projects and transitions are not subject to such failures?

Answer. If confirmed, I would seek government-wide best practices in contracting, designing, and implementation and understanding of lessons learned related to Voltron.

NOMINATIONS

THURSDAY, JUNE 16, 2022

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. Benjamin L. Cardin presiding.

Present: Senators Cardin [presiding], Shaheen, Schatz, Van Hollen, Rubio, Romney, Portman, Young, Cruz, and Hagerty.

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

Senator CARDIN. The Senate Foreign Relations Committee will come to order.

We are here today to consider several important nominations: Dr. Tamara Cofman Wittes to be an Assistant Administrator of the United States Agency for International Development in the Middle East; Mr. Michael Alan Ratney to be Ambassador to the Kingdom of Saudi Arabia; Mr. Timothy T. Davis to be Ambassador to the State of Qatar; and Dr. Geeta Rao Gupta to be Ambassador-at-Large for Global Women's Issues.

Congratulations to all of you and we thank you very much for your public service and your willingness, in many cases, to continue in public service.

You are all eminently qualified for the positions that you have been nominated for, and we thank you for being willing to serve at this challenging time in public service and we also thank your families.

We would ask when you have an opportunity to address the committee, if you have family members that are present we would welcome your introduction of your family members.

Dr. Tamara Cofman Wittes currently is working at the State Department as a senior advisor in the Office of the Ambassador-at-Large for Sanctions Policy. She was for more than a decade a senior fellow in the Center for Middle East Policy at the Brookings Institution where she directed research and publications on U.S. policies in the Middle East.

Dr. Wittes previously served as Deputy Assistant Secretary of State for Near Eastern Affairs from November of 2009 to January 2012 and was one of the first recipients of the Rabin/Peres Peace Award established by President Bill Clinton in 1997.

Dr. Wittes is well known as one of our country's leading experts on the politics and development challenges in the Middle East region.

The Middle East is, obviously, a critically important area for U.S. national security, as the President just recently announced he will be visiting that region next month.

Michael Alan Ratney is a career member of the Senior Foreign Service with the rank of Minister-Counselor and is currently the acting Deputy Director of the Department of State's Foreign Service Institute.

Mr. Ratney recently served as charge at the U.S. Embassy in Jerusalem where I had a chance to visit him and see firsthand his incredible talent as a diplomat and the respect that he earned not just with the Israelis but with the Palestinians and with the major players in the region.

If confirmed, Mr. Ratney would serve at a critical time in U.S.-Saudi affairs as relations have been strained, given the kingdom's human rights abuses, particularly its involvement in the brutal murder of U.S. resident and Washington Post columnist Jamal Khashoggi and its controversial military campaign in Yemen.

President Biden is scheduled to visit Saudi Arabia in July. The administration has looked to Saudi Arabia and others to step up oil supply amid rising gas prices after the U.S. banned Russian oil imports over Russia's invasion of Ukraine. This will be a critically important assignment and we look forward to hearing from Mr. Ratney how he will deal with those challenges.

Timothy T. Davis is a career member of the Senior Foreign Service with the rank of counselor who most recently served as the executive assistant to the Secretary of State.

Prior to that, Mr. Davis served as the U.S. counsel general for Basra and southern Iraq. He served in the United States Marine Corps for nearly a decade, I understand, following in your father's footsteps, who is here, who is a master sergeant.

It is an honor to have both of the Davises here today, and you served including in operations in the Horn of Africa and Iraq before joining the Foreign Service.

The Government of Qatar played a leading role in addressing the crisis in Afghanistan, assisting with the evacuation last August, providing diplomatic support and housing more than 58,000 Afghans during the noncombatant evacuation operations from Kabul.

On the other hand, I am deeply concerned about the exploitation and abuse of migrant workers in Qatar, with workers exposed to forced labor, unpaid wages, and excessive working hours as the country prepares for the World Cup in November.

Dr. Geeta Rao Gupta is currently a senior fellow at the United Nations Foundation and senior advisor to Co-Impact. While at the United Nations Foundation, Dr. Gupta founded and served as the executive director of the 3D Program for Girls and Women.

She currently serves as co-chair of the WHO Independent Oversight and Advisory Committee for Health Emergencies and chairs the Global Advisory Board of WomenLift Health, a new initiative to promote women's leadership in global health. Dr. Gupta is well qualified for this key position for U.S. foreign policy advancement of equality for women.

The position for which you have been nominated are all highly important, each requiring specific skills and experience.

Once again, I thank you very much for your willingness to serve, and I will now yield to my colleague and friend, Senator Young.

STATEMENT OF HON. TODD YOUNG,
U.S. SENATOR FROM INDIANA

Senator YOUNG. Thank you, Chairman.

I, too, want to thank our four nominees today for their willingness and, in some cases, their continued willingness to serve the United States of America in these important positions.

As the ranking member of this committee's Near East panel, I am hopeful to hear from all of our nominees today on how they will advance American leadership and interests in this pivotal region of the world.

While we cannot predict how the face of U.S. relations with the Middle East will change over the coming years, now is a crucial moment for the United States to embrace the collective capabilities of our allies and partners in the region as we turn our attention to strategic great power competition.

While many are justifiably focused on the war in Ukraine, the looming crisis in Taiwan, and the South China Sea, this competition is also taking place in the Middle East.

If we want to succeed in this competition, we must find the best way forward to balance our interests while remaining the partner of choice for those in the Middle East.

Unlike in years past, the Kingdom of Saudi Arabia, Qatar, and others in the region have options for security partnerships.

Our task must be to enforce and uphold our standards while recognizing the fact that if we move goalposts or set unattainable goals we will risk pushing them closer to China and Russia instead of keeping them in our corner.

As the regime in Tehran marches towards a nuclear weapon and foments terror in Yemen, Syria, Lebanon, and throughout the Gulf, we must employ some empathy in understanding the threat that our partners in the region are facing, and the urgent task of hardening their countries to defend their people.

At the same time, we must not ignore the need to advance real development, diplomatic, and humanitarian priorities.

But, again, if our policy actions drive them into the arms of Russia and China we will be undercutting these very priorities.

Our witnesses will be approaching all of these challenges from different perspectives and I look forward to hearing their views on this conversation.

Thank you again to our nominees for their willingness to serve the United States in their respective roles. I look forward to our discussion today.

Thank you, Mr. Chairman.

Senator CARDIN. Thank you, Senator Young.

I am going to ask consent, without objection, to put into the record the introductory comments of Senator Shaheen for Dr. Gupta.

Senator Shaheen is in the markup of the Senate Armed Services Committee on their National Defense Authorization Act. So that is the reason why she could not be here.

I read her introductory comments and it is a glowing introduction on Dr. Gupta. She says, "I cannot think of a more qualified candidate and I look forward to working with you once you have been confirmed."

So without objection, that will be made part of the record, and without objection, I am going to enter into the record the letter from the American Jewish Committee in support of Dr. Wittes.

[The information referred to above follows:]

STATEMENT FOR THE RECORD REGARDING DR. GEETA RAO GUPTA
SUBMITTED BY SENATOR JEANNE SHAHEEN

I am pleased to finally get to introduce to this committee Dr. Geeta Rao Gupta, President Biden's nominee to be Ambassador-at-Large for Global Women's Issues.

Having spent her career in service to gender equality and women's empowerment, Dr. Gupta is eminently qualified for the role to which she has been nominated. For more than 20 years, she has worked to advance women's and girls' rights at every stage of life.

She has researched and implemented strategies to promote gender equality and development issues, including poverty reduction and economic empowerment.

As Deputy Executive Director for Programs at UNICEF, Dr. Gupta oversaw programs that provide fundamental services to the world's most underserved communities and address the factors that contribute to gender inequality from birth.

While with the International Center for Research on Women, she studied the intersection of health outcomes and gender equality, particularly where women and girls are impacted by HIV/AIDS and other infectious diseases. Her devotion to the subject resulted in a landmark 10-year program to understand women's vulnerability to HIV/AIDS in order to tailor international interventions to help women.

She knows better than most the impact that gender norms and inequalities have on economic opportunities and health outcomes for women. This is why I am thrilled to finally have her nomination considered by this committee.

The Office of Global Women's Issues is an integral part of the Department of State's implementation of a whole-of-government devotion to women's equality and empowerment. And we know that women must be involved in the process of policy and decision making. With the Women, Peace and Security Act, it's a requirement that the U.S. Government promote women's involvement abroad but also within our own Government. The Office of Global Women's Issues is important to achieving both of these aims.

I also want to take a moment to recognize the devoted staff at the Office of Global Women's Issues. For three years under the previous administration, the office went without an Ambassador. Now, because of delays by this committee, it has sat without a head for over a year. Despite this, the staff of the GWI continue to work hard to promote women's rights around the world.

We must now support them by confirming Dr. Geeta Rao Gupta to be Ambassador-at-Large for Global Women's Issues. I cannot think of a more qualified candidate, and I look forward to working with you once you've been confirmed, Geeta.

Thank you.

Senator CARDIN. With that, Dr. Wittes, glad to hear from you.

STATEMENT OF DR. TAMARA COFMAN WITTES OF THE DISTRICT OF COLUMBIA, NOMINATED TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Ms. WITTES. Thank you, Chairman Cardin, Ranking Member Young, distinguished members of the committee. I am so grateful for your consideration today.

I am deeply honored by the trust placed in me by the President and the Vice President, and by the support of USAID Adminis-

trator Samantha Power, and I can never sufficiently express my thanks to my husband, Ben, who is here today, and my sons, Gabe and EJ.

I was born at a U.S. Army hospital in Ankara, Turkey, where my father was serving at our Embassy on behalf of the U.S. Information Agency. As a young adult, I lived in Israel on kibbutz and then again while studying at Tel Aviv University.

I have spent over 20 years working on Middle East policy and traveled through nearly every country of the region, and I was also privileged to serve the American people in the Near East Affairs Bureau at the State Department, where I worked with our embassies across the region to support civil society and democratic reforms, and I organized the first wave of U.S. assistance to Tunisia after the uprising in 2011.

Engagement with the governments and peoples of the Middle East has been part of my entire personal and professional life and that is why I am so excited at the prospect of leading USAID's Middle East Bureau and so grateful for your consideration.

The region today presents tremendous challenges and human suffering, as well as opportunities to build greater human security, stability, and prosperity. Stabilizing the Middle East and strengthening our partnerships there will advance American interests and values while enhancing U.S. national security.

The people of this region are overwhelmingly young and seek a better future. So lasting stability demands human security and governments that are transparent, responsive, and accountable to their people.

It is essential that America's civilian engagement in this region, our diplomatic and economic engagement, and especially our development assistance be robust and persistent.

All of Administrator Power's priorities for USAID globally, including COVID response, fighting corruption, advancing democracy and diversity frame the work ahead in the Middle East.

Many states in the region, including key American partners, have been hit hard by COVID–19, a health crisis and an economic contraction layered on top of existing crises in governance and security.

Social and political and economic progress will be absolutely key to regional stability, and USAID's development work is a central tool in that effort.

Administrator Power is also focused on pushing back on the People's Republic of China's predatory model of development, combating corruption and supporting democratic progress, and if I am confirmed that will be a focus of my work as well.

Iran's destabilizing influence around the region, bitter conflicts in Syria and Yemen, and a tough political environment in Libya all present obstacles to promoting stability and prosperity in the region.

USAID provides life-saving support now and can play a key role down the road in securing the peace.

Despite all these challenges, I also see opportunities for the United States. I am grateful for this committee's bipartisan support for the Abraham Accords.

As I said when they were first announced, they relieve Israelis' sense of isolation and they reflect shared interests between Israel and her neighbors. The Accords offer a foundation for more cooperation between Arab states and Israel on shared interests, including on development.

And so if I am confirmed, I look forward to engaging with you on how we can build on the Abraham Accords to bolster positive engagement across the region on issues like energy, environment, water, and health.

Another opportunity is MEPPA, the Nita Lowey Middle East Partnership for Peace Act. I believe strongly in the power of people-to-people engagement. It can encourage leaders to take difficult steps and it can rebuild Israelis' and Palestinians' hope in the possibility of coexistence.

If I am confirmed, I look forward to working with you on this exciting new initiative. I understand that advancing stability in the Middle East in the face of crisis, conflict, and challenge is no simple task. I want to emphasize to you that I see no monopoly on wisdom on these issues.

My commitment to you is to open and honest engagement, transparency, dialogue with Congress with the shared goal of advancing American interests.

I am so grateful for your consideration and look forward to your questions. Thank you.

[The prepared statement of Ms. Wittes follows:]

PREPARED STATEMENT OF DR. TAMARA COFMAN WITTES

Chairman Cardin, Ranking Member Young, and distinguished members of the committee: I am deeply honored to appear before you today as the President's nominee to serve as Assistant Administrator for the Middle East at the U.S. Agency for International Development. I also want to thank Administrator Power for her support, and I can never sufficiently express my gratitude to my husband Ben, and my sons, EJ and Gabe.

I was born at a U.S. Army hospital in Ankara, Turkey, where my father was serving at our Embassy with the U.S. Information Agency. I spent my childhood summers in and around the Middle East as he served in Riyadh, Tel Aviv, and several other posts. As a professional, I have spent over twenty years working on Middle East policy and traveled through nearly every country in the region. I was also privileged to serve the American people in the State Department's Near Eastern Affairs Bureau. In that position, I worked with our embassies across the region to support civil society and democratic reforms, and I organized the first wave of U.S. assistance to Tunisia after the 2011 Uprising.

Engagement with the governments and peoples of the Middle East has been part of my entire personal and professional life, which is why I'm so honored to be considered to lead USAID's Middle East Bureau and so grateful for your consideration.

The Middle East today presents tremendous challenges and human suffering, as well as opportunities to build greater human security, stability, and prosperity. Stabilizing the Middle East and strengthening our partnerships there will advance American interests and values while enhancing U.S. national security.

The peoples of the region are overwhelmingly young and seek a better future. Lasting stability demands human security and governments that are transparent, responsive, and accountable to their people. It is essential that America's civilian engagement in this region—our diplomatic and economic engagement, and especially our development assistance—be robust and persistent.

Administrator Power's priorities for the Agency for International Development globally—COVID–19, People's Republic of China (PRC), corruption, democracy, and diversity—frame the work ahead in the Middle East.

Many states in the Middle East, including key American partners, have been hit hard by COVID–19—a health crisis and economic contraction layered atop existing crises in governance and security. Social, political, and economic progress will be ab-

solutely key to regional stability. USAID's development assistance is a central tool in that work.

Administrator Power is also focused on pushing back on the PRC's predatory model of development, combating corruption, and supporting democratic progress—and if I am confirmed, these will be a focus of my work as well.

In addition, Iran's destabilizing influence around the region, bitter conflicts in Syria and Yemen, and a challenging political environment in Libya present major challenges to promoting stability and prosperity in the region. The U.S. Government is working with regional and international partners to resolve these conflicts. USAID provides life-saving humanitarian support now and can also play a key role in securing peace for the future.

While the region presents many challenges, the Middle East also presents opportunities for the United States. One that most drives me is the Nita M. Lowey Middle East Partnership for Peace Act. I believe in the power of people-to-people engagement. It can grow the constituency for peace, encourage leaders to take difficult steps towards peace, and rebuild Israelis' and Palestinians' hope in the possibility of coexistence. If I am confirmed, I look forward to working with Congress on this exciting initiative.

There are also opportunities for regional cooperation on shared issues like energy, water security, and health. In marking the anniversary of the Abraham Accords, Secretary Blinken said that "We want to widen the circle of peaceful diplomacy." I am grateful for this committee's strong bipartisan support for the Abraham Accords and look forward to engaging with each of you on how we can bolster positive engagement across the region.

In closing, I want to emphasize that advancing stability in the Middle East in the face of crisis, conflict, and challenges from malign actors is no simple task. There is no monopoly on wisdom about these issues. My commitment to you is to maintain open and honest engagement, transparency, and dialogue with Congress, with the shared goal of advancing American interests.

I am grateful for your consideration of my nomination and look forward to your questions. Thank you.

Senator CARDIN. Thank you very much for your testimony.

Mr. Ratney?

STATEMENT OF MICHAEL ALAN RATNEY OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINSTER–COUNSELOR, NOMINATED TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SAUDI ARABIA

Mr. RATNEY. Chairman Cardin, Ranking Member Young, distinguished members of the committee, thank you for the opportunity to appear before you today as President Biden's nominee to be the United States Ambassador to the Kingdom of Saudi Arabia.

I would like to thank the President and Secretary Blinken for the confidence they have shown in me with this nomination. If confirmed, I commit to working closely with this committee and with the U.S. Congress, more broadly, on our country's critical national security interests in Saudi Arabia.

I have spent more than 30 years in the Foreign Service, much of that in the Middle East, and I found that Saudi Arabia represents so much of what is compelling and at the same time challenging about working in the region and advancing U.S. interests there.

The prospect of being confirmed as U.S. Ambassador to Saudi Arabia is very exciting and I would like to take a moment to thank my wife, Karen Sasahara, who is also a Foreign Service Officer and is with us today, as well as my father and my family, for all their support.

If confirmed, I am committed to a strong and sustainable U.S.-Saudi partnership that advances U.S. interests and reflects U.S. values.

We have so much at stake in this relationship: encouraging the modernization project underway, including on interfaith tolerance, building on our vital counterterrorism cooperation, working to help Saudi Arabia defend its territory and deter Iran's aggressive behavior, helping to end the horrific war in Yemen, stabilizing global energy markets, deepening our engagement on human rights, and solidifying links with the many thousands of young Saudis, men and women, building their country's future.

My top priority will be the protection of U.S. citizens. The Iran-backed Houthis in Yemen launched more than 400 cross-border attacks last year alone on infrastructure, schools, mosques, and workplaces, endangering the 70,000 U.S. citizens there, along with the Saudi population.

If confirmed, I will work to strengthen Saudi defenses through security cooperation and training, demonstrating the durable American commitment to our partners and allies and to our values.

The U.S. has a powerful interest in ending the war in Yemen, a tragic conflict that has left many lives and families destroyed and the Yemeni population impoverished.

To that end, the President ended U.S. support for offensive operations in Yemen, even as we remain committed to helping Saudi Arabia defend its people and territory.

Fortunately, over the last two months, the warring parties have accepted and recently extended a truce, bringing a measure of relief to millions of Yemenis. This truce would not have been possible without Saudi Arabia's support.

I look forward to working closely with our U.S. Special Envoy for Yemen to support U.N.-led efforts to transform that truce into a durable and inclusive resolution to the conflict.

Iran poses a significant threat to U.S. and Saudi interests, as well as to those of our other regional allies and partners. We must work with our Saudi partners to counter Iranian threats to global energy flows, regional stability, and the lives of our fellow U.S. citizens in the region.

If confirmed, I will prioritize working with Saudi leaders on mitigating and containing Iranian threats to these interests.

The President and the Secretary have rightly made human rights a key pillar of our foreign policy. This was a key aspect of the Administration's reorientation of the U.S.-Saudi bilateral relationship and we consistently have made clear to Saudi officials that progress on human rights will help strengthen the bilateral relationship and make it more sustainable over the long term.

The Saudis have made important reforms already, including concrete steps to integrate women into the workplace and economy. But these reforms are incomplete.

If confirmed, I will continue to make that a priority.

The United States and Saudi Arabia have extensive economic ties and, if confirmed, my team and I will work hard to support American businesses in the Saudi market, especially as Saudi Arabia's Vision 2030 economic program presents new opportunities for Americans to compete.

Saudi Arabia is, of course, a major player in global energy. Recently, the OPEC+ ministers endorsed a recommendation to increase production quotas in July and August.

This will, hopefully, contribute to providing relief to Americans struggling with high gas prices, though it does not necessarily address the broader factors now destabilizing global energy markets, particularly Russia's unprovoked and unjustified war against Ukraine.

Energy supplies and encouraging a Saudi energy policy that aligns with U.S. priorities will be a major focus of my discussions with the Saudi Government.

The United States and Saudi Arabia established diplomatic relations back in 1931. Over the years, as our relationship has become more complex and multifaceted, it has remained key to U.S. national security.

If confirmed, I will work hard to ensure that the U.S.-Saudi partnership serves U.S. interests and reflects U.S. values.

I look forward to your questions.

[The prepared statement of Mr. Ratney follows:]

PREPARED STATEMENT OF MICHAEL ALAN RATNEY

Chairman Cardin, Ranking Member Young, distinguished members of the committee, thank you for the opportunity to appear before you today as President Biden's nominee to be the United States Ambassador to the Kingdom of Saudi Arabia. I would like to thank the President and Secretary Blinken for the confidence they have shown in me with this nomination. If confirmed, I commit to working closely with this committee, and the U.S. Congress more broadly, on our country's critical national security interests in Saudi Arabia.

I have spent more than 30 years in the Foreign Service, much of that in the Middle East. I have found that Saudi Arabia represents so much of what is compelling, and at the same time challenging, about working in that region and advancing U.S. interests there. The prospect of being confirmed as U.S. Ambassador to Saudi Arabia is very exciting, and I would like to take a moment to thank my wife, Karen Sasahara, who is also a Foreign Service Officer, as well as my father and family for all their support.

If confirmed, I am committed to a strong and sustainable U.S.-Saudi partnership that advances U.S. interests and reflects U.S. values. We have so much at stake in this relationship—encouraging the modernization project underway, including on interfaith tolerance; building on our vital counterterrorism cooperation; working to help Saudi Arabia defend its territory and deter Iran's aggressive behavior; helping to end the horrific war in Yemen; stabilizing global energy markets; deepening our engagement on human rights; and solidifying links with the many thousands of young Saudis, men and women, building their country's future.

My top priority will be the protection of U.S. citizens. The Iran-backed Houthis in Yemen launched more than 400 cross-border attacks last year on infrastructure, schools, mosques, and workplaces, endangering 70,000 resident U.S. citizens, along with the Saudi population. If confirmed, I will work to strengthen Saudi defenses through security cooperation and training, demonstrating the durable American commitment to our partners and allies and to our values.

The U.S. has a powerful interest in ending the war in Yemen, a tragic conflict that has left many lives and families destroyed, and the Yemeni population impoverished. To that end, the President ended U.S. support for offensive operations in Yemen, even as we remain committed to helping Saudi Arabia defend its people and territory.

Fortunately, over the last two months the warring parties have accepted, and recently extended, a truce, bringing a measure of relief to millions of Yemenis. This truce would not have been possible without Saudi Arabia's support. I look forward to working closely with our U.S. Special Envoy for Yemen to support U.N.-led efforts to transform that truce into a durable and inclusive resolution to the conflict.

Iran poses a significant threat to U.S. and Saudi interests, as well as those of our other regional allies and partners. We must work with our Saudi partners to counter Iranian threats to global energy flows, regional stability, and the lives of

our fellow U.S. citizens in the region. If confirmed, I will prioritize working with Saudi leaders on mitigating and containing Iranian threats to these interests.

The President and the Secretary have rightly made human rights a key pillar of our foreign policy; this was a key aspect of the Administration's reorientation of the U.S.-Saudi bilateral relationship, and we consistently have made clear to Saudi officials that progress on human rights will help strengthen the bilateral relationship and make it more sustainable over the long term. The Saudis have made important reforms already, including concrete steps to integrate women into the workplace and economy. But these reforms are incomplete. If confirmed, I will continue to make this a priority.

The United States and Saudi Arabia have extensive economic ties, and if confirmed, my team and I will work hard to support American businesses in the Saudi market, especially as Saudi Arabia's Vision 2030 economic program presents new opportunities for Americans to compete. Saudi Arabia is of course a major player in global energy. Recently, the OPEC+ Minsters endorsed a recommendation to increase production quotas in July and August. This will hopefully contribute to providing relief to Americans struggling with high gas prices, though it does not necessarily address the broader factors now destabilizing global energy markets, particularly Russia's unprovoked and unjustified war against Ukraine. Energy supplies and encouraging a Saudi energy policy that aligns with U.S. priorities, will be a major focus of my discussions with the Saudi Government.

The United States and Saudi Arabia established diplomatic relations back in 1931. Over the years, as our relationship has become more complex and multifaceted, it has remained key to U.S. national security. If confirmed, I will work hard to ensure that the U.S.-Saudi partnership serves U.S. interests and reflects U.S. values. I welcome your questions.

Senator CARDIN. Thank you very much for your comments.

We will now go to Mr. Davis.

STATEMENT OF TIMMY T. DAVIS OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, NOMINATED TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF QATAR

Mr. DAVIS. Chairman Cardin, Ranking Member Young, distinguished members of this committee, thank you for the opportunity to appear before you today as President Biden's nominee to be United States Ambassador to the State of Qatar.

I am honored by this nomination and grateful to the President and Secretary Blinken for the confidence they have shown in me. If confirmed, I look forward to working closely with this committee and Congress to advance U.S. foreign policy and national security interest in Qatar.

I want to thank my family, Patti and Parker, who are here today. I am so grateful for their support and sacrifice.

Patti, in particular, has carried the burden of being both parents with grace and has helped create a smart, thoughtful young man in Parks. They exemplify the dedication and service of all of our Foreign Service families.

I want to also recognize family members lost, Robbie and Jim. My father, Carlie, served as a U.S. Marine for over 30 years with service from Vietnam to Lebanon, and my mom, Eddie, has been the foundation of a family of Marines. They are both with us today.

The family of Marines include my sister, Yolanda, her husband, Marc, and two of my uncles, Isaac and Woody. My sister, Tammy, is a university research nurse.

My grandparents, Clotee and Jack Davis, Edna and Reverend Arthur Johnson, built a foundation in Mississippi out of hard work and faith.

That I sit before you today is a testament to their belief in an America of great possibility. If confirmed, I would be only the eighth African-American Ambassador to be posted to the Middle East.

My son, Parker, asked last week if my nomination was a big deal for the Davis family. I told him his great grandparents would not believe it but they had worked hard every day of their lives to make it possible.

As a New Orleanian, I know firsthand the benefits of a strong bilateral relationship with Qatar. When Katrina destroyed communities and killed thousands in 2005, Qatar donated $100 million in humanitarian aid for medical care, reconstruction of homes and places of worship, and educational scholarships.

I have stood in the Boys and Girls Club in Pass Christian, Mississippi, that was rebuilt with Qatari funds. Their generosity, quite simply, helped rebuild lives.

Our partnership with Qatar again yielded dividends when the United States withdrew from Afghanistan and Qatar opened its doors as a critical transit site for over 75,000 U.S. citizens, lawful permanent residents, and Afghans.

Qatar is still helping with our efforts to resettle Afghans and, if confirmed, I would work to deliver on President Biden's commitment to take on Afghans who worked side by side with U.S. forces by continuing that cooperation.

Mr. Chairman, I know from my decade of service as a Marine, including overseas deployments in Iraq and the Horn of Africa, that we cannot defend our country without support from our allies and partners.

Security and defense cooperation is vital to our strong relationship with Qatar. Since 1996, Qatar has hosted Al Udeid airbase, our largest base in the region, and home of U.S. CENTCOM's forward operating headquarters.

Qatar is a safe, secure, and welcoming home to 8,000 U.S. military personnel. President Biden designated Qatar as a major non-NATO ally earlier this year as a testament to our longstanding strategic partnership.

The President and the Secretary have been clear that human rights are a pillar of our foreign policy. If confirmed, a primary focus for our bilateral engagement will be to advance human rights and encourage full implementation of labor reforms Qatar has made in previous years. I believe honest conversations about human rights will make our relationship stronger and more resilient.

Qatar plays an important role in bolstering global energy security and as our European partners look to reduce their dependence on Russian oil and gas in the wake of Russia's brutal and unprovoked war in Ukraine.

If confirmed, I would encourage Qatar's positive contributions. I also would make it a priority to continue working to address—together to address the climate crisis, including by working with Qatar to continue its progress on reducing domestic methane emissions.

Qatar's economic assistance to and diplomatic engagement with the Palestinians in the West Bank and Gaza helps reduce tensions

in the region. If confirmed, I would work to further develop the pragmatic relationship between Qatar and Israel and further regional stability and security underpinned by the Abraham Accords.

Our commercial relationship with Qatar directly benefits the American people and, if confirmed, I would seek to deepen commercial ties.

Qatar has already invested tens of billions of dollars in the U.S. economy and wants to increase that, including through engagement with state governments.

Finally, as Qatar hosts the FIFA Men's World Cup tournament this year, my highest priority will be ensuring the safety, security, and dignity of visiting U.S. fans.

Mr. Chairman, thank you for the opportunity to testify today and I look forward to your questions.

[The prepared statement of Mr. Davis follows:]

PREPARED STATEMENT OF TIMMY T. DAVIS

Chairman Cardin, Ranking Member Young, distinguished members of this committee, thank you for the opportunity to appear before you today as President Biden's nominee to be the United States Ambassador to the State of Qatar.

I am honored by this nomination and grateful to the President and Secretary Blinken for the confidence they have shown in me. If confirmed, I look forward to working closely with this committee and Congress to advance U.S. foreign policy and national security interests in Qatar.

I want to thank my family, Patti and Parker; I am so grateful for their support and sacrifice. It exemplifies the dedication and service of all our Foreign Service families. My father, Carlie, served as a Marine for over 30 years, with service from Vietnam to Lebanon, and my mom, Eddie, has been the foundation of a family of Marines, including my sister, Yolanda, her husband, Marc, and two of my uncles. My sister, Tammy, is a university research nurse. My grandparents, Clotee and Jack Davis; Edna and Reverend Arthur Johnson built a foundation in Mississippi out of hard work and faith. That I sit before you today is a testament to their belief in an America of great possibility. If confirmed, I would be only the 8th African American Ambassador posted to the Middle East. My son, Parker, asked last week if my nomination was a big deal for the Davis family. I told him his great grandparents would not believe it, but they worked hard every day to make it possible.

As a New Orleanian, I know firsthand the benefits of a strong bilateral relationship with Qatar. When Katrina destroyed communities and killed thousands in 2005, Qatar donated $100 million in humanitarian aid for medical care, reconstruction of homes and places of worship, and educational scholarships. I have stood in the Boys and Girls Club in Pass Christian, MS that was rebuilt with Qatari funds. Their generosity helped rebuild lives.

Our partnership with Qatar again yielded dividends when the United States withdrew from Afghanistan and Qatar opened its doors as a critical transit site for over 75,000 U.S. citizens, Lawful Permanent Residents, and Afghans. Qatar is still helping with our efforts to resettle Afghans, and if confirmed, I would work to deliver on President Biden's commitment to take on Afghans who worked side-by-side with U.S. forces by continuing our cooperation.

Mr. Chairman, I know from my decade of service as a Marine, including overseas deployments, that we cannot defend our country without support from our allies and partners. Security and defense cooperation is vital to our strong relationship with Qatar. Since 1996, Qatar has hosted Al Udeid Air Base, our largest base in the region and the home of USCENTCOM's forward operating headquarters. Qatar is a safe, secure, and welcoming home to 8,000 U.S. military personnel. President Biden designated Qatar as a Major Non-NATO Ally earlier this year as a testament to our long-standing strategic partnership.

The President and the Secretary have been clear that human rights are a pillar of our foreign policy. If confirmed, a primary focus of our bilateral engagement will be to advance human rights and encourage full implementation of labor reforms Qatar has made in previous years. I believe honest conversations about human rights will make our relationship stronger and more resilient.

Qatar plays an important role in bolstering global energy security as our European partners look to reduce their dependence on Russian oil and gas in the wake

of Russia's brutal and unprovoked war in Ukraine. If confirmed, I would encourage Qatar's positive contributions. I also would make it a priority to continue working together to address the climate crisis, including by working with Qatar to continue its progress on reducing domestic methane emissions.

Qatar's economic assistance to and diplomatic engagement with the Palestinians in the West Bank and Gaza helps reduce tensions in the region. If confirmed, I would work to further develop the pragmatic relationship between Qatar and Israel, and further regional stability and security underpinned by the Abraham Accords.

Our commercial relationship with Qatar directly benefits the American people, and if confirmed, I would seek to deepen commercial ties. Qatar has already invested tens of billions of dollars in the U.S. economy and wants to increase, including through engagement with state governments. Recent deals between Qatari and Americancompanies like Boeing's sale of cargo planes to Qatar Airways have created tens of thousands of American jobs. I would also advocate on behalf of American companies pursuing opportunities in Qatar.

Finally, as Qatar hosts the FIFA Men's World Cup tournament this year, my highest priority would be ensuring the safety, security, and dignity of visiting U.S. fans.

Mr. Chairman, thank you for the opportunity to testify today and I look forward to your questions.

Senator CARDIN. Mr. Davis, thank you for your testimony.

We do note that there are three generations of your family here with your parents and your son.

And, Parker, we want you to know your father's appointment is a very big deal and that he has made an incredible contribution to the progress in peace globally.

So it is wonderful to have your family present with us.

Mr. DAVIS. Thank you, Mr. Chairman.

Senator CARDIN. With that, Dr. Gupta?

STATEMENT OF DR. GEETA RAO GUPTA OF VIRGINIA, NOMINATED TO BE AMBASSADOR–AT–LARGE FOR GLOBAL WOMEN'S ISSUES

Ms. GUPTA. Chairman Cardin, Ranking Member Young, and members of the committee, it is an honor to be before you as President Biden's nominee to be the next U.S. Ambassador-at-Large for Global Women's Issues at the Department of State.

Here with me today are my husband, Arvind, and our daughter, Nayna, whose commitment to justice inspires me every day. I want to underscore how much their love and support mean to me as well as that of all my friends and family who are probably watching online, particularly my late parents, Sarah and Srini Rao, who modeled for me the value of public service.

I am grateful for the trust placed in me by the President and Secretary Blinken to serve the American people and advance the economic rights, leadership, and safety of women and girls around the world.

If confirmed, I pledge to work closely with the Administration and Congress in a bipartisan way to lead the Secretary's Office of Global Women's Issues and the integration of gender equality across the work of the department.

Research suggests countries are more prosperous and peaceful when women have economic security and are fully able to participate in their societies. Investing in women and advancing their human rights, as the Office of Global Women's Issues is mandated to do, is one of the most powerful ways to advance U.S. foreign policy interests and national security priorities.

Mr. Chairman, I am proud to be a U.S. citizen and a first-generation immigrant. I belong to a family of professional women, each of whom dedicated their lives to serving their communities, and from a family of men who supported them fully.

I was aware that the opportunities available to me and the roles exemplified by the women in my family were not the same as those available to the majority of women globally.

This led me to focus my doctoral research on understanding the barriers that women face in pursuing a career and, ultimately, propelled me toward a career focused on rectifying the inequities experienced by women, and that became both my passion and my profession.

Over the past three decades as the leader of a gender and development research institution, a senior executive of a multilateral organization, and as an adviser to philanthropies, I have learned that economic security and the guarantee of health and personal safety are critical ingredients for women to thrive and prosper, and when they do so do their families, communities, and nations.

It is for this reason that I have dedicated myself to advocating for evidence-based policies and programs to allow women and girls to fulfill their economic and leadership potential and conduct their lives with dignity, without fear of violence or discrimination.

Through that work, I witnessed the courage, resourcefulness, and resilience of women in the face of seemingly insurmountable challenges, such as in the Zaatari camp for Syrian refugees in Jordan or in the Rohingya camps in Bangladesh.

From the women entrepreneurs in Kenya and India who sustain small businesses despite limited access to financial services, to the brave women in Liberia, who mobilized against great odds to demand peace for their families and communities, I have seen women use the limited resources they have to provide for their families and protect others.

Mr. Chairman, the status of women and girls has improved since I began my career. However, the pace of change has been slow and the gains are vulnerable to backsliding. COVID–19 has forced many women to leave their jobs and countries across the globe report sharp increases in violence against women and girls.

The pandemic, however, is not the only threat facing women globally today. They are uniquely affected by the climate crisis, the weakening of democratic institutions, and the conflict, political instability, and fragility that characterize more countries today than ever before.

Today, in real time, we are all witnessing the courage and resilience of Ukrainian women as they fight alongside men and seek safety for their children and families.

Simultaneously, we watch in awe and determination the Afghan women who, despite the threat of imprisonment and torture, are protesting increasingly stringent limits that have been placed on their rights by the Taliban. Those brave women need their voices amplified and championed.

Women's equality is a moral and economic imperative of U.S. foreign policy. It has transcended both Democratic and Republican administrations. Ever since the position of Ambassador-at-Large for

Global Women's Issues was established in 2009 with bipartisan congressional support, the issue has been a foreign policy priority.

If confirmed, I will continue this bipartisan tradition and work closely with interagencies, civil society, government, and private sector partners, and especially with Congress to advance the mandate of the office to integrate gender equality throughout foreign policy.

I confess that I can almost hear my parents say now enough with the talk; go get the job done. So should I be confirmed, I reaffirm to you I am ready to get the job done.

[The prepared statement of Ms. Gupta follows:]

PREPARED STATEMENT OF DR. GEETA RAO GUPTA

Mr. Chairman, Ranking Member, and members of the committee: It is an honor to be before you as President Biden's nominee to be the U.S. Ambassador-at-Large for Global Women's Issues at the Department of State.

My husband, Arvind and our daughter, Nayna are here with me today. I want to underscore how much their love and support mean to me, as well as that of all my family members, particularly my late parents, Sarah and Srini Rao.

I am grateful for the trust placed in me by the President and Secretary Blinken to serve the American people and advance the economic rights, leadership and safety of women and girls around the world. If confirmed, I pledge to work closely with the Administration and Congress, in a bipartisan way, to lead the Secretary's Office of Global Women's Issues and the integration of gender equality across the work of the Department.

Research suggests countries are more prosperous, peaceful, and stable when women have economic security and are fully able to participate in their societies. Investing in women and advancing their human rights, as the Office of Global Women's Issues is mandated to do, is one of the most powerful ways to advance U.S. foreign policy interests and national security priorities.

I am proud to be a U.S. citizen and a first-generation immigrant. I belong to a family of professional women, each of whom dedicated their lives to serving their communities—and from a family of men who supported them fully.

Inspired by the values of my family, I was aware that the opportunities available to me and the roles exemplified by the women in my family were not the same as those available to the majority of women globally. This led me to focus my doctoral research in India on understanding the barriers that women face in pursuing a career, and ultimately, propelled me toward a career focused on rectifying the inequities experienced by women—that became both my passion and my profession.

Over the past three decades, as the leader of a gender and development research institution, a senior executive of a multilateral organization, and as an adviser to philanthropies, I have learned that economic security and the guarantee of health and personal safety are critical ingredients for women to thrive and prosper—and when they do, so do their families, communities and nations. It is for this reason that I have dedicated myself to advocating for evidence-based policies and programs to allow women and girls to fulfill their economic and leadership potential and conduct their lives with dignity, without fear of violence or discrimination.

Through that work, I witnessed the courage, resourcefulness and resilience of women in the face of seemingly insurmountable challenges, such as in the Zaatari camp for Syrian refugees in Jordan or the Rohingya camps in Bangladesh, or in Northern Nigeria. From the women entrepreneurs in Kenya and India who sustain small businesses despite limited access to financial services, to the brave women in Liberia who mobilized against great odds to demand peace for their families and communities, I have seen women use the limited resources they have to provide for their families and protect others.

The status of girls and women has improved since I began my career. However, the pace of change has been slow, and the gains are vulnerable to backsliding. COVID–19 has forced many women to leave their jobs, and countries across the globe report sharp increases in violence against women and girls. The pandemic, however, is not the only threat facing women and girls today. They are uniquely affected by the climate crisis, the weakening of democratic institutions, and the political instability and fragility that characterize more countries today than ever before.

Today, in real time, we are all witnessing the courage and resilience of Ukrainian women as they fight alongside men and seek safety for their children and families. Simultaneously, we watch in awe, the determination of Afghan women who despite the threat of imprisonment and torture, are protesting the increasingly stringent limits that are being placed on their rights by the Taliban. Those brave women need their voices amplified and championed.

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If confirmed, I will continue this bipartisan tradition and work closely with interagency, civil society, government and private sector partners, and especially with Congress, to advance the mandate of the Office to integrate gender equality throughout U.S. foreign policy.

I confess that I can almost hear my parents say: Enough with the talk—go get the job done! Should I be confirmed, I reaffirm to you: I am ready to get the job done.

Senator CARDIN. Thank you, Dr. Gupta, for listening to your parents.

[Laughter.]

Senator CARDIN. This committee has a great tradition of working across party lines and working with the executive branch on foreign policy.

We pride ourselves in the unity that we can have between the Congress and the executive branch but maintaining the separation of branches. That depends upon the cooperation of our confirmed representatives.

We have four questions that we are going to ask you, each one of you to answer by a simple yes or no. That is extremely important for this committee to be able to carry out its work on behalf of the American people.

I am going to ask all four of you. You will respond to each question individually.

Do you agree to appear before this committee and make officials from your office available to the committee and designated staff when invited? That is assuming you all are confirmed. Do you agree to do that?

[All witnesses answer in the affirmative.]

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

[All witnesses answer in the affirmative.]

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

[All witnesses answer in the affirmative.]

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

[All witnesses answer in the affirmative.]

Senator CARDIN. Congratulations. You passed the first test.

I want to ask—we will have five-minute rounds and we will probably be able to get to a second round.

Let me start on the human rights front and I will start with Dr. Gupta.

Each one of you have major roles to play in regards to advancing American human rights. Women are under attack globally, as you

pointed out in your testimony, but they are particularly vulnerable in Ukraine.

As we know the men, because of the policy, many women have been separated from their—the men have been separated from their families. They are subject to being abused. They are subject to trafficking, et cetera.

In Afghanistan, we invested a great deal and part of the reason for our investment was to help and respect the rights of women in Afghanistan. Now that we are no longer physically present it is much more challenging.

Tell me how you are going to deal with those two concerns that we have in regards to the welfare of women in Ukraine and in Afghanistan.

Ms. GUPTA. Thank you, Senator.

I agree with you Russia's unprovoked attack on Ukraine has had severe impacts on the health, safety, and rights of women there, just as the women left behind in Afghanistan are suffering the rollback of their rights under the rule of the Taliban.

The majority of women displaced in Ukraine, as we have all seen, are women, children, and the elderly, and I think, if confirmed, as part of the women, peace, and security agenda in Ukraine I would like to see three streams of work move forward.

One is to have methods for documentation, but documentation that is survivor centered and that is trauma informed to be able to document acts of sexual violence, in particular.

I was very disturbed recently to hear the report from the SRSG Patten after her visit to Ukraine where she got credible reports of rape—gang rape—being used as a weapon of war, and I would like to see that being documented and perpetrators being brought to account.

Obviously, humanitarian assistance should still be targeted to women and children who are most in need or seeking refuge in other countries but also those who are trapped, seeking shelter within Ukraine.

And I would like to establish—would like to see if communication can be established with high-level women still in Ukraine so that we can know what the situation is and continue to monitor it regularly.

In Afghanistan, it is sad to see that the greatest gains that have been made—I visited there, Senator, many years ago and met many of the brave women rights leaders and I could see the gains that they had made. So to see those roll back now is particularly traumatic.

I have been involved in a neighborhood effort to help resettle Afghan families in northern Virginia, and the family that I am taking care of I get firsthand reports of the trauma they went through because of the takeover by the Taliban.

If confirmed, I will work with Special Envoy Amiri, who has been appointed by Secretary Blinken to be placed in the office of GWI, and I will work closely with her to pursue two lines of effort—one, to make clear to the Taliban through our international partners that normalization and any relaxation of the sanctions is contingent upon women's rights being upheld, and to find ways to continue to assist Afghan people through multilateral organizations so

that the money is safeguarded and does not fall into the wrong hands.

So that is what I hope I will be able to do if confirmed.

Thank you, Senator.

Senator CARDIN. Thank you.

Mr. Ratney, I heard your priorities, which are important for the United States. We, certainly, need the Saudis to be more sensitive on the oil prices. We want them to be more engaged in regards to Russia and Ukraine. We, certainly, would like to see progress made to normalization between the Saudis and the Israelis.

But this all needs to be wrapped within our values. The outstanding lack of accountability on the tragic death of Khashoggi is an issue that America cannot ignore.

Tell me how you establish the clear message to the Saudis, if you are confirmed, that the human rights abuses in that country are ones that we are going to continue to put a spotlight on and have consequences in our relationship.

Mr. RATNEY. Thank you, Senator.

And let me say at the outset that the murder of Jamal Khashoggi was just a heinous act. I cannot say that I knew him well, but I met him a few times and he was a decent man, and no decent person deserves what happened to him.

The administration has taken some steps in that regard, including declassifying and publishing the intelligence community's assessment of responsibility for his murder.

Numerous sanctions from State and Treasury have been issued, including against the members of the unit that was responsible for the murder, and we have used statutory authority to implement what we have called the Khashoggi ban, which is, essentially, to say that those who would reach out across borders to suppress dissent will face consequences, including an inability to travel to the United States.

Those are consequential measures and I think they would have a powerful dissuasive impact on those who would contemplate that sort of act in the future.

More broadly than that, the President has made clear that he has elevated human rights as a pillar of U.S. foreign policy globally, and Saudi Arabia is no different, and, clearly, if confirmed, that would be a major element of my discussions with the Saudi leadership and, more broadly, with Saudi society.

We have seen a bit of progress there in certain areas, including things like freedom of expression and the rights of women, judicial transparency. These are areas where we have emphasized in our conversations with Saudi leaders and would most assuredly continue to be prominent on our agenda—my agenda, if confirmed, certainly, the President's agenda during his upcoming trip.

I think it is important that we have these straightforward—these forthright conversations with the Saudi Government. I take your point, absolutely, that it is—continues to be a mixed picture.

Even the advances, which I think the Saudi Government has achieved, there are instances. There is a lot of work left to be done before we can call it systemic change.

Senator CARDIN. Thank you.

Senator Young?

Senator YOUNG. Thank you, Chairman.

Congratulations, again, to all of our nominees for your nominations.

Dr. Wittes, in 2020 you indicated that you were not in favor of the Abraham Accords. On social media you said you agreed with an article that called the deal a triumph for authoritarianism.

You suggested the deal was, quote, "oversold," unquote, and that Middle Eastern countries normalizing relations with Israel was a, quote, "betrayal of Palestinian interests," unquote.

I am curious to hear if your views have changed in the two years since.

Ms. WITTES. Senator, thank you for the opportunity to be very clear about my views.

I support the Accords. I support the profound transformation that they have wrought in the region, and I said publicly when they were signed that they are a boon to the Israeli Government and to Israelis, who have long felt isolated in their neighborhood.

That is the profound transformation we see not just at the government-to-government level but at the people-to-people level, and it is very meaningful.

I have written that they strengthen the pro-American coalition in the region, and before I was nominated I encouraged the Biden administration to follow up on the Accords to promote regional cooperation that would advance peace and stability.

So I think my record is clear.

Senator YOUNG. Not to me.

How do we reconcile all those statements, which were just crystal clear with the statement that the deal was a triumph for authoritarianism and that the deal was oversold?

If your views have changed, that would be helpful to me, quite easy to reconcile. If, instead, it is my job to reconcile the previous statements with the current views, I am having difficulty. So help me out.

Ms. WITTES. Senator, thank you.

I will say I was skeptical that other countries would join the UAE in the Accords when the UAE first made its announcement in August of 2020, and I was wrong about that.

We have seen Morocco, we have seen Sudan, we have seen Bahrain come in, and that, I think, creates tremendous opportunity that we need to seize.

Senator YOUNG. Thank you. I do appreciate that.

Doctor, last week it was reported that the now resigned president of the Brookings Institution was an unregistered foreign agent on behalf of one of Brookings' donors. He is not a nominee before the Senate for consideration. I want to be crystal clear about that.

But we, as policymakers who often refer to Brookings material, must ask the uncomfortable question about whether or not Brookings remained impartial in its scholarship, especially that which focused on the Middle East.

Do you believe that we can trust the scholarship and independent views presented by a think tank that receives foreign funding?

Ms. WITTES. Senator, thank you. Let me speak to Brookings and my work at Brookings.

Every grant agreement that supported my work and the work that I supervised included strong language guaranteeing the independence of that work. I have absolute confidence that that work was conducted with independence from donors and that it stands on its own merits.

I had no knowledge of any of these disturbing allegations regarding General Allen. I never discussed research on Qatar with General Allen. I never participated in fundraising from foreign governments with General Allen.

Senator YOUNG. Thank you. I think it is important that you got that on record. Thank you so much.

Doctor, are you willing to urge Brookings to voluntarily work with this committee so that we can have a full accounting of foreign donations to the institution, especially funding that supported the work at the Center for Middle East Policy?

Ms. WITTES. Senator, all nonprofits, I think, have to demonstrate their independence from donors. I think Brookings has strong policies on transparency, on conflict of interests, on research independence.

I am no longer employed there, as you know. I, certainly, hope that they will live up to their values and their policy.

Senator YOUNG. Would you be willing to urge them to voluntarily work with the committee in furtherance of living up to their values as you have characterized it?

Ms. WITTES. Senator, I would like them to be as transparent as possible.

Senator YOUNG. Okay.

Ms. WITTES. I think the work stands on its own.

Senator YOUNG. I would, too.

While director of the Center, did you, Doctor, advocate, including informally, to any federal employee on issues relating to the region, especially relating to the affairs of the Gulf Cooperation Council or member states?

Ms. WITTES. Did I advocate?

Senator YOUNG. Yes.

Ms. WITTES. No, Senator. My job was to put forward policy recommendations to the public and that is what I did.

Senator YOUNG. Doctor, thank you for your answers to my questions.

Chairman?

Senator CARDIN. Senator Schatz?

Senator SCHATZ. Thank you, Mr. Chairman. Thank you, Ranking Member.

Thank you to all of you and your families for your willingness to serve, and, in many cases, continue to serve.

Mr. Ratney, OPEC countries are producing oil at levels well below their collective quota due in large part to the sanctions related to Russia's invasion of Ukraine.

The administration has made very reasonable requests of the Saudis to ramp up oil production and make up for the shortfall. And just to be clear, this is not some huge favor we are asking. Saudi Arabia has spare capacity that it could drawn on to quickly make up for the under producers in the group.

If stable energy markets are a key goal of U.S.-Saudi relations and the Saudis are not holding up their end of the relationship, why make concessions on other key objectives like human rights?

Mr. RATNEY. Thank you, Senator.

At the outset, let me say I do not think we are making concessions on human rights. I think it will remain—has been and will remain a forthright element of our dialogue with the Saudi Government.

On the specific issue of energy, you mentioned—and I think we need to start by pointing the finger directly at the immediate cause of the global instability in energy markets and that is Russia's utterly unjustified invasion of Ukraine and all of the implications of that war that has taken place.

Dealing with——

Senator SCHATZ. Let me ask the question another way. Part of our relationship with Saudi Arabia has to do with oil production. Is that fair?

Mr. RATNEY. Yes.

Senator SCHATZ. And a reasonable expectation is that during a global crisis, when necessary to stabilize prices they would step up and do so, especially when they do not have to do much other than just make the choice.

Is that a reasonable expectation?

Mr. RATNEY. Sure. I was actually getting to that point because, in fact, this has been a major topic of discussion with the Saudi Government and we are gratified to see that OPEC+, this larger group in which Saudi plays a leadership role, made a decision to increase their quotas for July and August considerable—something like a 50 percent increase in their quotas—which should have some impact on global oil supplies and, ultimately, gas prices.

It is not a silver bullet. It is not the answer to all of that. The administration, the U.S., and some of our partners have also made the strategic decision to release stocks of our global oil reserves.

There is a lot more diplomacy to be done on this, and I think conversations—forthright conversations about the Saudis' contribution to stability of global energy markets has to be a part of our conversations with the Saudis and, if confirmed, that would, certainly, be a part of my dialogue.

Senator SCHATZ. Thank you.

Let us talk a little bit about arms sales. You know the Administration has to notify Congress in advance of major arms sales. Given what we all know about actions in Yemen and human rights violations, what kinds of weapons are appropriate to sell to Saudi Arabia and what kinds are inappropriate?

Mr. RATNEY. There is a technical element to that answer, and I want to be careful because it is not something that I have been heavily involved in or involved in at all with respect to Saudi prior to my preparations for this confirmation hearing.

I will say, as part of the President's commitment to solving—ending the war in Yemen through principled diplomacy, he also made a decision to end support for offensive military operations in Yemen.

At the same time, he also made a commitment to ensure that Saudi Arabia had the ability to defend itself and Saudi Arabia was

also facing an onslaught, really, of rockets and drone attacks from the Iranian-supported Houthis directed at people and infrastructure and others in Saudi Arabia.

So it is a balance we need to strike. The decisions on what constitutes support for offensive military operations and the specific weapon systems associated with that, that has to get considered on a case by case basis.

My colleagues at the State Department look at a variety of factors, including how those weapon systems have been used in the past.

Senator SCHATZ. I would just offer that some of this is about end use monitoring, some of this is about transparency in the country, and some of this is a judgment for Congress to make because whether a weapon system or a weapon is defensive or offensive depends on the circumstances, right, and that—this is the hard part.

Mr. RATNEY. I agree. It is—it is a hard—it is a judgment that has to get made and it is one that I think we are committed to doing in full transparency and consultation with Congress.

Senator SCHATZ. Final question. According to media reports, China is helping Saudi Arabia manufacture its own ballistic missiles. The Saudi Government has government ministry linkages to Huawei and has explored the possibility of selling oil in yuan.

How, specifically, would you address PRC policies that undermine regional security with the United States vis-a-vis Saudi Arabia?

Mr. RATNEY. Thank you for the question.

As Secretary Blinken made clear in a speech he gave at George Washington University just a couple of weeks ago, the challenge—the U.S. challenge of dealing with China it is a global competition. It is not restricted to Asia or any one country and, certainly, Saudi Arabia is no exception.

I do not know—China has—and Saudi Arabia have a significant trade relationship. I think that China is probably the largest purchaser of Saudi oil. There is a bit of Chinese investment in Saudi Arabia.

I do not know that there are significant defense relationships. The report you cite is one that I have seen in the media. But I know nothing more than that, and I think—I would suggest a briefing in a different setting from some of my colleagues.

But let me just say that this challenge of dealing with China, the risks of dealing with China, particularly a China that pursues policies that are utterly antithetical to our own values and the values of even Saudi Arabia, including genocide in Xinjiang, for example, that is something that we have to make clear to our Saudi partners to all our partners globally.

Senator SCHATZ. Thank you.

Senator CARDIN. I understand Senator Portman is available through WebEx.

Senator PORTMAN. Thank you, Mr. Chairman, and thanks to the nominees for stepping up to serve. Again, many of you have already been in public service. We appreciate your continued service, as I have talked to Mr. Ratney about.

I have listened with great interest to the back and forth, Dr. Wittes, with you and Senator Young. I am the co-author of what

is called the Israel Relations Normalization Act, which is now law. It was signed into law in March and it promotes the so-called Abraham Accords and their expansion.

And the one question I would have in addition to the ones that you have already answered regarding your previous comments about the Abraham Accords is whether you are committed to this and committed to pursuing a policy agenda which would be deepening the existing Abraham Accords agreements and expanding to other countries, including some countries whose Ambassador nominees are with us today, like Saudi Arabia.

Would you be committed to expanding it and would you be committed to deepening existing relationships?

Ms. WITTES. Senator Portman, thank you, and the answer is yes, absolutely.

Senator PORTMAN. I will not prolong this, and it does seem counter to your previous comments but I am glad that you have had a change of heart and I think it is incredibly positive in terms of peace in the Middle East, not just for Israel, as you noted, but for those countries that choose to connect in that way.

Mr. Davis, Qatar has become a significant producer of liquefied natural gas, as you know, including for export. Last month, they signed an energy cooperation deal with Germany, which I was glad to see. They need new sources of energy in Germany, obviously, and other parts of Europe to get away from their dependency on Russia.

Can you talk a little about that and what role you expect to play in expanding that U.S. cooperation with Qatar with regard to energy production and particularly with regard to exports that relate to the Ukraine-Russia war?

Mr. DAVIS. Senator, I appreciate the question.

In fact, you make a good point about Russia's aggression in Ukraine. Qatar has been very clear about their view that Russia's aggression in Ukraine was—is unjustified.

As you note, they have signed a deal with Germany. They have worked with the European Union to provide whatever capacity they have to the EU. They have also made clear that countries in Asia and around the world cannot, during this war, outbid European countries on current contracts.

The truth is that Qatar is leading the way on liquid natural gas and working to build capacity through a couple of deals that they have in the United States—the Golden Pass LNG terminal in Texas and at petrochemical plants in which they have invested $8 billion, also in Texas.

But the Qataris have made clear that they want to be a resource for the Europeans during this time and, if confirmed, it will be a priority for me to work with the Qataris to ensure that we identify areas of cooperation and opportunities for helping alleviate the energy crisis in Europe.

[Technical issue.]

Senator CARDIN. Senator Portman, we are not hearing you.

Senator PORTMAN. Sorry about that. Can you hear me now?

Senator CARDIN. Yes, you are on.

Senator PORTMAN. We had a technical issue here with the mute button.

Mr. Davis, I was just saying I appreciate so much your response to that. I was recently with Sheikh Mohammed, who is the Foreign Minister and—of Qatar and he made it very clear to me that they are taking a proactive approach here both with regard to Russia's brutal attack on Ukraine and also with regard to this issue of helping Russia to wean itself from Russian sources of energy.

I think you can play a very important role there and, again, thank you for your previous service and your willingness to step forward. I think you will find that Qatar wants to deepen our relationship and wants to be an active player in this current problem.

Dr. Gupta, just quickly—my time is running out here—you have expressed strong support for access to abortion as a reproductive right. You have publicly opposed the Mexico City policy. You have urged the World Health Assembly to classify sexual reproductive health services as essential services.

My question for you is are you aware of all the statutory restrictions on the use of taxpayer money to perform abortions or to advocate for or against them. That would include the Leahy amendment, the Helms amendment, the Siljander amendment, the Biden amendment.

Do you, if confirmed, commit to uphold these restrictions in law?

Ms. GUPTA. I do, Senator. Thank you for the question.

I am very aware of those legal restrictions on the use of foreign assistance funds and, if confirmed, I will follow the letter of the law.

Senator PORTMAN. Thank you.

Thank you, Mr. Chairman.

Senator CARDIN. We now have Senator Van Hollen by WebEx.

Senator VAN HOLLEN. Thank you, Mr. Chairman, and congratulations to all of you on your nominations. As Senator Cardin said at the outset, you all are immensely qualified and I look forward to supporting your nominations.

Mr. Ratney, I do want to press you a little more on some of the issues that Senator Cardin and Senator Schatz raised. You are—the last line of your testimony today reads, quote, "If confirmed, I will work hard to ensure that the U.S.-Saudi partnership serves U.S. interests and reflects U.S. values."

I want to focus on the U.S. values for a part because I see you did not mention Khashoggi in your testimony. It is a fact, is it not, that U.S. intelligence determined that the Crown Prince did mastermind the Khashoggi murder?

Mr. RATNEY. Senator, thank you.

The President made a decision early in the Administration to release the intelligence community assessment of responsibility for that and I have no reason to differ with that assessment.

Senator VAN HOLLEN. And I have also got an article here in my hand about a Saudi Arabia mass execution of 81 men. This was in March of this year. You indicated in response to a question that there is more transparency now in the Saudi judicial process. I do not see it. Could you elaborate a little bit on that?

Mr. RATNEY. Yeah. Actually, I would like to be clear on that because the point I wanted to make is that judicial transparency is a major element of our engagement with the Saudis.

I was not trying to convey, and I think I may have misspoke, that that is something where we were lauding the Saudis for progress.

Senator VAN HOLLEN. Right. I do not see it now. I hope you will be successful at pushing them in that direction.

We all know that the President has an upcoming visit to Saudi Arabia. Can you talk a little bit more about how vocal the President should be in pressing the human rights aspect of our policy?

As you stated, and I agree, putting human rights back at the forefront of our foreign policy was an important move by this administration.

Can you talk a little bit more about how we should be dealing with that in the context of Saudi Arabia?

Mr. RATNEY. I am, obviously, not involved in the preparations for the President's visit. But I know he is a man that believes in person-to-person diplomacy. He also believes in having forthright conversations with our partners, even partners with whom we sometimes have significant differences.

He was the one that made the decision to put human rights at the center of U.S. foreign policy, to elevate it as one of the major pillars of our engagement, not just in Saudi Arabia but globally, and I have every expectation that that will figure in his discussions in Saudi Arabia, which, as you recall, is not just with the Saudis but there is also a much broader meeting with GCC leaders, plus the Iraqis, Jordanians, and Egyptians. I have every expectation that human rights in all its forms will be a significant part of his program.

Senator VAN HOLLEN. Thank you for that hopeful word, and I hope that the President will also pursue those principles vigorously on his upcoming trip, and it was great to have a chance to meet you on one of my—my most recent trip to Israel and Jerusalem.

Thank you for your service there and your service elsewhere, and as I said, I look forward to supporting your nomination.

Dr. Wittes, congratulations on your nomination.

As you know, Putin's brutal war against Ukraine has created price shocks around the world in energy and food, and many countries in the Middle East and north Africa have been very reliant on Russian and Ukrainian wheat.

If you could talk a little bit about AID's programs generally, not just in the—in food assistance, but some of the—in some of the areas that have been hardest hit. Lebanon has been hard hit. Already had, of course, a desperate situation, and in—and the West Bank and Gaza have been highly dependent on some of those imports for their wheat.

Can you just talk broadly about USAID's efforts in those areas to advance U.S. interests?

Ms. WITTES. Senator, thank you.

Yes. As you noted, Russia's war on Ukraine and its blockade of the Black Sea ports has prevented Ukraine from getting that wheat to the global market and a lot of countries in our region are feeling the effects.

Egypt, for example, normally imports half of its grain. One of the activities that I understand USAID is engaged in there is helping

Egypt produce more and keep what it produces because some of this wheat, when it is grown, is not properly stored and it spoils.

USAID has a range of these kinds of food security activities around the region to promote higher yields, to manage water better, and to promote resilience to these kinds of shocks.

But in the face of this global food security crisis there is also a lot of emergency food aid USAID is providing around the region as well.

Senator VAN HOLLEN. I am going to ask you to follow up, I guess, in writing, since my time is going to expire shortly, in terms of some of the efforts USAID is undertaking, as I said, in Lebanon, in the West Bank, and in Gaza, as well as some of the other parts of the region, just with a little more granularity.

Thank you very much, Mr. Chairman.

Senator CARDIN. Thank you, Senator Van Hollen.

Senator Shaheen?

Senator SHAHEEN. Thank you, Mr. Chairman, and good morning. Congratulations to each of you on your nominations and I look forward to working with you, once confirmed.

Dr. Gupta, I would like to begin with you because, as you know, four out of the last five years we have not had anyone as Ambassador to the Office of Global Women's Issues and so much of that opposition has been women's reproductive health, and I think it is important to point out that what the Office of Global Women's Issues does has a lot more to do than just reproductive health for women and that there are important reasons why we have an office that looks at half of the world's population and the important roles that women have to play in the world.

Can you talk a little bit about why the Office of Global Women's Issues is so important and why we need to be thinking about what women are doing in the rest of the world?

Ms. GUPTA. Thank you so much, Senator Shaheen.

It is absolutely essential for the State Department that is the representative of U.S. foreign policy to pay attention to women, being half the population of this world.

There are many inequities and indignities that women suffer around the world which hold them back from participating fully in the economy.

They are subject to threats to their safety and have a fear of violence even on a daily basis and that determines their mobility and they, in situations of conflict and emergencies and humanitarian crises, are particularly vulnerable, both in terms of their safety but also in terms of their being able to look after their families and feed their families.

If you look at the world today, the situation of women—if you look at the gender inequality indicators, the indicators show that the inequality has increased.

We have regressed on gender equality because of the threats that we have had at the moment which is the COVID–19 pandemic, which has kept women from the labor force, the climate crisis, the rise of authoritarianism, conflicts around the world.

So the priorities the Office of Global Women's Issues has currently are the right ones, given the reality of the world today, be-

cause it focuses on advancing women's economic security and opportunity.

It focuses on advancing the women, peace, and security agenda and preventing and responding to gender-based violence, and those seem to me to be the three most important priorities today and those have been identified in the national strategy that the U.S. has just put out on gender equality and equity, the first ever national strategy for both domestic and global issues, and I think that those are the right ones, from my point of view.

Senator SHAHEEN. Thank you. I certainly agree with that.

Can you also speak to what empowering women does for their families, for their communities, and for their countries?

Ms. GUPTA. Thank you.

Women play essential roles at the household and community level. They are the frontline caretakers and mothers of children. They are the providers and processors and producers of food, and they are income earners and they are leaders within their communities.

And yet, they face disadvantages in being able to access productive resources such as employment, education, income, land, et cetera. That puts them at a disadvantage to fully play their roles.

By disadvantaging them in that way, you are holding them back but you are also holding back their families, their households, their communities, and the economies of entire nations.

In fact, a McKinsey report recently identified that in 2015 that the cost to the global GDP is about $28 trillion over a 10-year period if those inequality indicators were not improved, if the gap was not closed. So it has economic consequences as well as it is a rights issue.

Senator SHAHEEN. Thank you very much.

Dr. Wittes, I am very concerned about the situation in Lebanon. It is one of the countries in the Middle East that has significant challenges—the impact on young people and their interest in staying in the country and offering a future there.

Can you talk about what our focus is right now on Lebanon and what we can do to help address the challenges that the country is facing?

Ms. WITTES. Senator, thank you for the question.

The situation in Lebanon is quite dire—the humanitarian situation, the economic situation. There is an opportunity now because of the successful conduct of parliamentary elections last month.

I was able to serve as an international observer in the previous two rounds of Lebanese parliamentary elections and I was really encouraged to see that they were able to hold those elections. I think that the new government now has both the opportunity and the need to focus urgently on some long overdue reforms.

I understand that there is an agreement with the IMF that would include reforms in the banking sector that could really start to stabilize the economy.

On the humanitarian side, as you know and as Senator Van Hollen mentioned, there is a shortage of wheat globally and Lebanon does not have domestic storage because of this horrific explosion at the Beirut port. It can only store about one month or so of grain locally.

USAID has been providing emergency food packages to Lebanese and it is also working with civil society and working with municipalities.

To your question about keeping young people in the country, USAID also, as I understand it, has had a focus on trying to grow the private sector and trying to create a better environment for the private sector so that young people feel those opportunities and we do not see brain drain.

Senator SHAHEEN. Thank you very much. I am out of time.

But I would just close with an admonition that I hope each of you will work on what is continuing to get worse in Afghanistan with respect to the rights of women and the economy in that country.

It is something that I think each of you have the ability in your new roles to have some influence on, and I hope you will really look at that opportunity.

Thank you, Mr. Chairman.

Senator CARDIN. Mr. Davis, Qatar, certainly, is a strategic partner of the United States—defense, other issues. They have serious human rights issues on their workers, those that have come to their country being protected with internationally recognized labor rights.

Tell me how you are going to prioritize that concern we have if you are confirmed as our representative in Qatar.

Mr. DAVIS. Senator, thank you for the question.

First, I want to note that I share your concern about Qatar's human rights record. They have made progress. They were the first country in the Middle East to have a minimum wage law.

They have instituted a tribunal to adjudicate cases of labor abuse. They have set up a fund to help compensate employees who have not received their wages, and specific to the World Cup, they have a regulation that bans working in the hottest part of the day.

My own work in southern Iraq, where I saw similar labor and human rights abuses, informs how I view this. Often, it is a case where it is not a lack of will but a lack of capacity.

Our Trafficking Persons report lays out avenues for the Qatari Government to improve their human rights record. The Department of Justice human trafficking prosecution unit has been working with the Qatari Government.

It is not enough to want to prosecute abuses of labor and human rights. You have to build that capacity.

If confirmed, I would think that we would be able to bring experts to Qatar to help build the capacity of the judicial system of lawyers, of prosecutors, of police. Domestic violence issues cannot stop with arrest. They have to be followed through to prosecution.

For the United States, there is not a calendar or a clock or a deadline on our advocacy for human rights. Qatar has made a number of strides in the lead-up to the World Cup.

If confirmed, it will be one of my highest priorities to work with the Qatari Government to solidify the gains that they have made, but also to move them forward in labor and human rights reform.

It will not be easy but it is something that is, as noted, a pillar of U.S. foreign policy, and I will not hesitate, if confirmed, to raise

at the highest levels of the Qatari Government our concerns about human rights and labor rights.

Senator CARDIN. Thank you very much.

Dr. Wittes, I just really want to reinforce the comments that were made by Senator Young and Senator Portman in regards to the Abraham Accords.

In our conversation before we started the hearing, I was at a dinner last night, a unique opportunity where the Ambassador from UAE hosted the Israeli Ambassador's visit to the placement in the United States. We had to postpone it a little bit because of COVID. And it was a stark moment to see Israel and an Arab state cohosting an event here. So it was a wonderful occasion.

One of the articles that were circulated under your tweet during the initial consideration of the Abraham Accords was very critical that there was no concessions made by the Israelis in entering into the agreement with UAE.

I mention that because there was a major progress made in getting Israel off of the annexation issue, which could have been rather explosive, and that was done by the UAE without the expansion to the other countries of the Abraham Accords. So there was a significant reason to celebrate the UAE and Israel reaching an agreement on normalization.

I just point that out because I have heard your response, and I understand your commitment to further normalization in the region.

But I want you to know that we saw sensitivity at that time. We try to conduct as much foreign policy as we can not on partisan grounds. We really try to work together to strengthen our country on foreign policy issues.

With that——

Senator YOUNG. Senator Hagerty, please.

Senator CARDIN. Senator Hagerty?

Senator HAGERTY. Thank you, Mr. Chair.

Mr. Ratney, I would like to, first, turn to you to talk with you about the country that you are intending to represent the United States to.

American families are suffering everywhere from high gas prices, and I understand that President Biden is on his way to Saudi Arabia next month, presumably to ask the Saudis to produce more oil and bail the United States out of this energy disaster that the Biden administration has created based on its war on the American fossil fuel industry.

This trip comes not long after President Biden, during his presidential campaign in a Democratic presidential debate, decided that he would turn Saudi Arabia into a, quote, "pariah" and he added that there is, quote, "very little social redeeming value in the present Government in Saudi Arabia." Those were his words during the presidential debate.

I actually believe that the Saudis can be a very critical partner to us in the Middle East and I would, first, like to know if you agree with President Biden's stated posture towards Saudi Arabia.

Mr. RATNEY. Thanks for the question, Senator.

I do not think I am in a position to comment on comments that the President made during the campaign or more than a year ago.

I can tell you what he has said since he has been President and I can tell you what he has been determined to do since he has been President and that is to carve out a relationship with the Saudi Government that both advances U.S. interests and also reflects U.S. values, and we have vast U.S. interests in Saudi Arabia including——

Senator HAGERTY. I agree with you.

Mr. RATNEY [continuing]. As you point out, a conversation about energy prices, gas prices that we are facing here and global turbulence in energy markets. There is a lot of other things, and in the war in Yemen cooperating on counterterrorism, pushing back on Iran's nefarious activities in the region that threaten us and our partners, and at the same time advancing our values.

I have every expectation that the President will use this trip which he is making to Saudi Arabia in addition to conversations with other Gulf leaders and other Middle Eastern leaders to have forthright discussions about a responsible role of Saudi Arabia.

Senator HAGERTY. Do you agree that our diplomatic relations are better off without an antagonistic relationship with a country as important as Saudi Arabia?

Mr. RATNEY. I do not think I would relish the possibility of being a U.S. Ambassador to Saudi Arabia if I thought an antagonistic relationship was a good direction to go in. I think my colleagues and our leadership in this administration agree with that, and in terms——

Senator HAGERTY. If you are confirmed, you are going to have a lot to clean up, I think, given the situation as it exists right now.

I would like to turn now to your time as Consul General in Jerusalem. Under your watch, the State Department provided $465,000 in grants to a group called OneVoice, which then joined a group called Victory 15 and worked to defeat Benjamin Netanyahu and his Likud party in Israel's elections.

This struck many observers, including me, as highly inappropriate if not unethical, especially given that the Obama administration disagreed with Netanyahu and his many policies including the Iran nuclear deal.

I understand that the Senate Committee on Homeland Security and Governmental Affairs' Permanent Subcommittee on Investigations reviewed this case and reported out its findings, and according to that report, OneVoice's pivot to electoral politics was consistent with its strategic plan that was developed by OneVoice leadership.

OneVoice had emailed this strategic plan to the State Department officials during the grant period.

However, the State Department placed no limitations on the post-grant use of resources developed by OneVoice using the funds provided by the United States. Again, there were no limitations placed on how the resources of the funds would be used. The grant was just given by the State Department even though the State Department had their strategic plan in hand.

I think it is a failure of the State Department, again, under your watch, to take the necessary steps to guard against the risk that OneVoice would engage in political activities to unseat a particular foreign head of government.

I want to ask you, Mr. Ratney, given that OneVoice engaged in political activism in the 2013 Israel elections, before applying for a State Department grant how was it that you failed to foresee and guard against this risk? The ease of that would have—that recipient organizations can use to repurpose public diplomacy resources is something that is very concerning and I am very concerned about what happened here.

Mr. RATNEY. Thanks for the question, and I do recall the incident and I recall my work there.

I was responsible for oversight of a piece of that grant, which was to the Palestinian component of OneVoice, which are responsible for, essentially, building grassroots support for a two-state solution and the negotiating process that was underway at that point.

The Senate Permanent Subcommittee on Investigations that Senator Portman chaired at the time looked into it, as you mentioned, and noted a few deficiencies in the way that that grant was handled, one of which is exactly what you point out, which is there was no restriction in the grant agreement for how they would use the data.

In this case, it was a database and some other things they had developed in the process of doing the work that sort of——

Senator HAGERTY. I think it is extremely concerning that that failure occurred. But I want to ask you one more question before my time is expended.

Do you dispute what was reported in the findings, that you deleted emails related to the review of these OneVoice grants?

Mr. RATNEY. The Permanent Subcommittee on Investigations identified two shortcomings. One had to do with the Administration of the grant, which we talked about, which was that there was no prohibition on——

Senator HAGERTY. Political activities.

Mr. RATNEY [continuing]. The OneVoice organization using it later. That is something that I have made clear in my conversations with the staff on the Permanent Subcommittee. That would be unacceptable had we known about it.

The other problem was had to do with a systemic issue associated with records management at the State Department that has since been addressed. There was no routine method.

There was no routine way at that time to archive all of the routine emails that the State Department sent and received. That has since been remedied as well through changes in policy and changes in technology.

Senator HAGERTY. To be clear, did you delete emails that were relevant to this? Did you specifically pursue those emails and remove them from the record?

Mr. RATNEY. As I recall what happened at the time—and I want to be very precise about this because it is an important issue—at the time—this is somewhat of a technical issue but at the time the State Department—the email systems did not have the storage capacity to retain large numbers of emails in people's inboxes.

We were routinely instructed by—and this was not unique to me—we were routinely instructed by our IT staff that if you do not

delete emails, especially those with large attachments, your inbox freezes and you stop getting emails.

That was a systemic problem that was addressed both by improvements in the technology and also a change to the policy about archiving of these messages.

Senator HAGERTY. You can understand my concern over that part of it but my even deeper concern is that funds were allowed to go to an organization that was going to take direct action against one of our political allies and get involved politically in that manner. I think it is a great oversight and it creates grave concern for me.

Thank you, Mr. Chairman.

Senator CARDIN. Senator Cruz?

Senator CRUZ. Thank you, Mr. Chairman.

I would note that I think the Democratic majority on this committee may have inadvertently convened a hearing on the profound anti-Israel bias of the Biden administration.

I very much agree with the questions Senator Hagerty just asked about Mr. Ratney's involvement in sending taxpayer funds to a group that employed Obama political operatives to run a campaign against the sitting Prime Minister of Israel, Benjamin Netanyahu, and undermine our friend and ally, Israel.

But as disturbing as that conduct was, Ms. Wittes' conduct is even more concerning.

Ms. Wittes, if you are confirmed you will be in charge of distributing vast amounts of funding across the Middle East. Since 2015, the Brookings Institution that employs you has taken at least $12.5 million dollars from the Embassy of Qatar. That is the amount that can be traced publicly.

Just four days ago, the president of Brookings resigned in a scandal because he is facing an investigation for being an undisclosed lobbyist for Qatar, and he resigned because he said, "I know it is best for all concerned at the moment."

Now, the president of Brookings has resigned over this but you ran the Middle East Center at Brookings. To what extent did you participate in fundraising from Qatar?

Ms. WITTES. Senator, thank you.

I want to be very clear I had no knowledge of any of these disturbing allegations regarding General Allen. I did not discuss research on Qatar with General Allen. I did not do fundraising meetings for foreign governments with General Allen.

Senator CRUZ. Did you know that your work was being paid for by Qatar?

Ms. WITTES. Yes, sir.

Senator CRUZ. Okay. So you knew you were funded by a foreign Embassy?

Ms. WITTES. Yes, sir. We had funding from several foreign governments, including the Norwegians and the Emiratis.

Senator CRUZ. The Norwegians and the Emiratis do not work to undermine us and they do not work to undermine Israel. The Qataris do.

Did you participate in any way in the fundraising?

Ms. WITTES. I participated in one fundraising meeting in, I think, 2012.

Senator CRUZ. Okay. Just a second ago you said you did not participate in the fundraising——

Ms. WITTES. Not with General Allen, sir. General Allen became president after I stepped down as——

Senator CRUZ. But you participated in 2012 in fundraising from the Qataris?

Ms. WITTES. I sat in a meeting in which Ambassador Indyk was asking for a renewal of our grant.

Senator CRUZ. Okay. You published a report with the Qatari Ministry of Foreign Affairs logo on the cover of it, correct?

Ms. WITTES. Senator, we had a grant agreement with the Qataris to conduct a joint conference, which we did in Doha every year.

Senator CRUZ. Okay. The president of Brookings just resigned over allegations that he was an unregistered lobbyist for Qatar. Did you register as a lobbyist for Qatar?

Ms. WITTES. No, sir. I never conducted advocacy for Qatar.

Senator CRUZ. Should the president of Brookings have resigned over this? Was he right to do so?

Ms. WITTES. Senator, I cannot speak to what General Allen did or did not do. I had no knowledge——

Senator CRUZ. Should the same standards apply to you?

Ms. WITTES. Senator, the rules at Brookings were very clear. We received regular trainings on FARA compliance. I had no problem understanding the rules.

Senator CRUZ. Should the American taxpayers be concerned that President Biden wants to put in charge of distributing millions of dollars of taxpayer money someone who has spent years being funded by a foreign nation who is not our friend?

Ms. WITTES. Senator, I think my research and the research that I supervised was conducted with complete independence from all of our donors and it stands on its own merit.

Senator CRUZ. But it was funded by the Qataris. It was funded by the Qataris and it just happened to so comply with their agenda that they put their damn logo on the cover, correct?

Ms. WITTES. Senator, they did not put their logo on any of the——

Senator CRUZ. You put their logo on the cover?

Ms. WITTES. No, sir.

Senator CRUZ. Who put the logo?

Ms. WITTES. Their logo is not on the research.

Senator CRUZ. Who put the logo on the cover——

Ms. WITTES. Senator——

Senator CRUZ [continuing]. Of the report you published?

Ms. WITTES. The logo——

Senator CRUZ. Did you put the logo or did they?

Ms. WITTES. Senator, we co-produced a conference.

Senator CRUZ. Okay. So you both put the logo.

All right. I want to shift to another topic.

The Biden administration claims to support the Abraham Accords. I got to say your record on the Abraham Accords is stunning.

It is one thing for your colleague, Mr. Ratney, to fund political campaigns against the sitting Prime Minister of Israel. But when the Abraham Accords came out, in September 2020 you tweeted

that Arab leaders should not deepen ties with Israel until they saw whether President Trump won reelection.

Why were you urging Arab countries not to deepen ties with Israel?

Ms. WITTES. Senator, I was skeptical when the Emiratis made their announcement, which was breathtaking, in August 2020. I was skeptical that other Arab states would join them and I——

Senator CRUZ. But you urged them not to.

Ms. WITTES. I was proven wrong.

Senator CRUZ. But you urged them not to. So they did not follow your advice. But you wanted them not to make peace with Israel.

Ms. WITTES. No, Senator, I did not urge. I was——

Senator CRUZ. All right. You tweeted that peace between Israel and the UAE was a "new Naksa" setback. You also said it was a triumph for authoritarianism and just a normalization of men, which I do not know what the hell that means.

Why did you actively lobby against historic peace accords in the Middle East and how could anyone have any confidence that you can be a senior government official?

Ms. WITTES. Senator, I support the Accords. I support the profound transformation.

Senator CRUZ. I guess that is the right political answer to say now but it is not what you said then.

Ms. WITTES. Senator, those are not my words. I tweeted out two articles critical of the Accords, one by an Israeli and one by an Egyptian, both of which——

Senator CRUZ. All right. A final question on the Egyptians.

You have tweeted that Egyptian President Sisi is running a reich that is a fascist regime. How exactly do you think you are going to be able to work with our Egyptian allies when you have called their president a Nazi?

Ms. WITTES. Senator, those are not my words.

Senator CRUZ. You did not say he is running a reich?

Ms. WITTES. No, Senator. I have no recollection of ever using those words about President Sisi.

Senator CRUZ. I am going to follow up in writing because the record is clear.

But it is really stunning the anti-Israel bias of senior nominees in this administration, and it is inconsistent both with American national security interest and with standing with our friend and ally, the State of Israel.

Senator CARDIN. Senator Young, anything further?

Senator YOUNG. Just picking up on one loose thread.

Ms. Wittes, you are director of the Center for Middle East Policy at Brookings, and did you disclose your organization received funding from Qatar? Did you disclose that matter?

Ms. WITTES. Yes, sir, including when I testified before Congress. As you know, the forms require it.

Senator YOUNG. Okay.

With respect to—Mr. Davis, with respect to the U.S. Embassy to Qatar and its interaction with the U.S. Embassy to Afghanistan, which will be operating from Doha, it is really important that this committee—we are so distracted by many challenges around the

world—does not lose sight of the trying situation in Afghanistan in the wake of the botched exit.

If confirmed, how would you coordinate actions between those two embassies?

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

I want to make sure that I make note and honor your service as a U.S. Marine. When the evacuation of Afghanistan began in August, I, like you, probably were inundated with former fellow Marines, former soldiers, and folks who had known interpreters, spotters, people, Afghans who had worked with us for years and years.

And so I take personally the responsibility, confirmation notwithstanding, to ensure that we are helping our allies, which is what they were.

I had a number of sleepless nights in August 24/7 trying to help people get out of the country.

Your question is an important one and one that, I think, requires a sitting Ambassador—a confirmed Ambassador—to coordinate the efforts and the message of the Afghanistan affairs unit that is now in Doha, the bilateral mission which I would head, if confirmed, and our care colleagues who are working with Afghans waiting to be relocated.

And so my role, if confirmed as the head of the bilateral mission, will be to coordinate message, to ensure community communication is happening all of the time between U.S. entities in Doha to include the work of Special Envoy Tom West.

We cannot have competing messages coming from any of those four entities. I think the idea of folks from any of them being able to go into the foreign ministry to make requests of the Qataris without having coordinated will only lead to slowing down the process and, as we have learned over the last nine or 10 months, any delay in assistance and help to those who fought alongside us and helped us in Afghanistan over two decades can be fatal.

And so it will be a major priority for me to make sure that we are speaking with one voice to the Qataris and to those in Afghanistan, whose assistance is absolutely vital.

Senator YOUNG. Thank you.

I understand that further clarity will come post confirmation on exactly how the interaction will occur and I will look forward to working with you in overseeing those responsibilities and I know others will as well.

Thank you, Chairman.

Senator CARDIN. Thank you, Senator Young.

Let me just follow up on points that were raised by my colleagues.

Mr. Ratney, if I understand correctly, your role with OneVoice dealt with the outreach to the Palestinian community.

Mr. RATNEY. That is right.

Senator CARDIN. And that you were in compliance with all of the policies of the State Department during that period of time as well as the technology that was available in regards to how emails were handled and stored to the extent they could be stored and deleted because of capacities.

Mr. RATNEY. That is correct. And if I might add, the subcommittee report made clear that the grant funds were used for their intended purpose.

Senator CARDIN. I think you have clarified that point, and I do not really think there is any misunderstanding here.

But let me just ask for the record, if confirmed, do you agree to adhere to all the State Department rules and regulations regarding record keeping and the retention of emails?

Mr. RATNEY. Absolutely.

Senator CARDIN. And, Dr. Wittes, in regards to your relationships at Brookings, it is my understanding that you complied with all the rules of Brookings that had in regards to foreign participation and funds and that you made all the disclosures that were required by law and you complied with all of the federal rules at the time.

Ms. WITTES. Absolutely, Senator.

Senator CARDIN. Thank you.

I have no further questions. Let me, if I might, announce that the record will remain open until close of business Friday, June 17th, for questions for the record.

I would urge our nominees to try to complete those answers as rapidly and as thoroughly as possible so that we can try to clear for committee action your nominations as quickly as possible.

Each of you have critical positions that we need confirmed—representatives and Ambassadors. So we would urge you to try to complete this work as quickly as possible.

If there is no further business, the committee will stand adjourned.

[Whereupon, at 11:52 a.m., the hearing was adjourned.]

Additional Material Submitted for the Record

June 15, 2022

Esteemed Members of the Committee,

On behalf of the American Jewish Committee (AJC), I write in advance of tomorrow's Foreign Relations Committee hearing to urge the confirmation of Dr. Tamara Cofman Wittes to the position of Assistant Administrator of the United States Agency for International Development, for which she was nominated in July of 2021. Filling this vacancy will ensure the United States can effectively pursue foreign policy objectives.

Our organization does not normally take positions on nominees requiring Senate confirmation. **When we do, it is because we know the nominee and can responsibly vouch for their capabilities.**

Tamara Cofman Wittes, who directed the Center for Middle East Policy at the Brookings Institution from 2012 to 2017, is currently a senior fellow in the Center, and previously served as a deputy assistant secretary for Near Eastern affairs at the Department of State. Dr. Cofman Wittes has focused her career on U.S. foreign policy, democratic change in the Arab world, and the Arab–Israeli conflict. AJC has known Dr. Cofman Wittes for years and has always found her to be responsible, thoughtful, and deeply committed to upholding American values.

If you have any questions, please do not hesitate to reach out. Thank you for the consideration of our views.

Respectfully,

Julie Rayman

AJC Senior Director of Policy and Political Affairs

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO DR. TAMARA COFMAN WITTES BY SENATOR ROBERT MENENDEZ

Question. You were asked during your confirmation hearing about Brookings Institution materials that had the logo of the Qatari Government on them. You began to answer that the document in question related to a conference, but you were cutoff before answering. Could you please clarify what that document was, and whether it was a report? Was it authored by you and did it contain any of your research?

Answer. During my time as Center Director from 2012–2017, I oversaw the work of the Project on U.S. Relations with the Islamic World. The Project co-sponsored a conference, the U.S.-Islamic World Forum, with the Qatari Foreign Ministry's Permanent Committee for Organizing Conferences. Speakers at these Forums included a number of U.S. officials, leaders from Muslim-majority countries, civil society activists and scholars from a wide variety of perspectives.

This conference was held in Doha during my time as Center Director on the following dates: May 28–31, 2012; June 9–11, 2013; June 9–12, 2014; June 1–3, 2015.

The Conference also hosted working groups focused on issues such as interfaith dialogue, arts and culture, Muslim minorities in the West, and women's empowerment. These working groups were selected through a competitive process by the Project on U.S. Relations with the Islamic World, and the Qatari Government had no role in the process of selection. The working groups produced papers prior to the conference, and a report of their discussions after the conference. These were published by Brookings, subject to Brookings's usual review process for published reports, and not reviewed or edited by the Government of Qatar. I've attached an example of such a report.

Some of these conference-related publications produced by Brookings included the logo of the Qatari Permanent Committee for Organizing Conferences alongside the Brookings logo. Those publications were published with the same independence, and subject to the same review process as other Brookings Foreign Policy publications.

I did not author any working group reports or papers during my time as Center Director.

Question. Has any of your research been influenced by any donor to Brookings, including any foreign government?

Answer. No.

Question. Have you ever altered any of your research or work at the request of a donor or foreign government?

Answer. No.

Question. What safeguards were in place to ensure that your research at Brookings was not influenced by any donor or foreign government?

Answer. Brookings has transparent policies in place to protect the independence of its scholarship, which are publicly available on the Brookings Institution website.

Brookings included language in grant and gift agreements to protect scholar independence. In 2016, Brookings President Strobe Talbott wrote that Brookings uses the following language in gift agreements with donors:

> *Brookings scholars, in conformity with the Institution's mission of developing independent, nonpartisan analysis and recommendations that reflect objective and rigorous scholarship, will make the final determinations regarding the scholarly activities supported by [the gift/grant], including the research agenda, content, product, outcomes, use and distribution of resulting publications, and selection of personnel associated with the projects supported by [the gift/grant]. Brookings scholars and staff will at no time lobby or otherwise promote the interests of any donor.*
>
> *In the course of their research, Brookings scholars engage with a broad range of people with specific expertise in the areas they are researching, including stakeholders, policy makers, other scholars and, in some cases, donors. Brookings's scholars always have the final say in what is published, in terms of their analysis, judgement, and recommendations.*

Question. Can you clarify the authors and dates of publication of the articles and tweets regarding the Abraham Accords mentioned during your nomination hearing? Did you author, co-author or otherwise comment on any of these publications? If yes, how?

Answer. I never opposed the Abraham Accords. I also never urged Arab governments not to join the Accords.

I said to the *New York Times,* and to an audience at Brandeis, when the Accords were announced, that Israel and the UAE had good reasons for opening formal ties

and that shared interests and shared threats brought them together. I called in writing for the Biden administration to build on the Accords.

As I noted in the hearing, I did express skepticism very early on, in August 2020, that other governments would join the UAE; I was quickly proven wrong and believe that the inclusion of Bahrain, Sudan and Morocco made the significance of the Accords clear and presented an opportunity that I believe the U.S. Government must seize. If confirmed, I absolutely will work assiduously to build upon these transformative agreements, in line with the Administrator's and the Biden administration's efforts.

I believe, but cannot be sure, that Senators at the hearing referenced the attached tweets. I tweeted sharing these two articles, one by an Israeli and one by an Egyptian, because they presented aspects of the Accords I thought needed grappling with. I did not tweet them because I agreed with the articles, and my tweets very specifically did not endorse the articles or even suggest or imply that I agreed with them. I have shared many articles on Twitter, with which I may agree, disagree, or not have a view.

The Accords were a transformative event in the region with many dimensions and many implications; my role as a policy analyst was to understand how different audiences in the region and in Washington viewed what was happening and to integrate that knowledge into my own analysis.

Question. Did you have any role in fundraising efforts while at Brookings, and specifically for the Middle East program?

Answer. During my time at Brookings, primary fundraising responsibility for Brookings research rested with the President and the Vice Presidents of the five research programs. I participated in fundraising activities at the direction of the Vice Presidents for Foreign Policy Studies under whom I served, and of Brookings President Strobe Talbott, as well as their development staffs. During my time as director of the Middle East Center, I worked under the supervision of Vice Presidents Amb. Martin Indyk, Acting Vice President Ted Piccone, and Vice President Bruce Jones, as well as Amb. Talbott.

My participation in fundraising at Brookings had two elements: First, when requested by development staff or supervisors, I participated in substantive briefings on current policy topics, often in a panel with other scholars, for organizations and individuals who were donors and/or potential donors. Second, I engaged directly with several individual donors to the Center's work, including its founding donor, Haim Saban. These contacts were also organized by and/or coordinated with the Brookings development staff, the Vice President for Foreign Policy Studies, and the President.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO DR. TAMARA COFMAN WITTES BY SENATOR JAMES E. RISCH

HUMANITARIAN ASSISTANCE

Stabilization, Early Recovery, Reconstruction

Question. If confirmed, how will you define and differentiate between "humanitarian response," "stabilization," "early recovery," and "reconstruction" activities in responding to conflicts in the MENA region, including Syria, Afghanistan, and Yemen?

Answer. If confirmed, I will work with USAID colleagues to ensure the Agency continues to differentiate and coordinate between "humanitarian response," "stabilization," "early recovery," and "reconstruction" activities in the MENA region, including in Syria and Yemen. While Afghanistan falls under the authority of the Assistant Administrator for the Asia Bureau and not within the purview of the Assistant Administrator for the Middle East, if confirmed, I pledge to ensure that these definitions are consistent across the Agency.

I understand that humanitarian assistance is a needs-based response that saves lives, alleviates human suffering, and reduces the impact of disasters by helping people in need become more resilient. I further understand that USAID follows the relevant appropriations law and implements humanitarian programs primarily using International Disaster Assistance and Title II Food for Peace Act Assistance to meet humanitarian imperatives.

I understand that USAID utilizes early recovery, a humanitarian assistance tool, to reduce immediate and protracted humanitarian needs by strengthening the resilience of affected populations through small-scale programs at the individual, house-

hold, and local community level; improving individual, household, and community welfare; and therefore, reducing dependence on external assistance. Early recovery programs are based on assessed community needs and humanitarian imperatives, and conducted in a conflict-sensitive manner by independent and impartial humanitarian agencies, without direction or interference of government authorities.

Unlike humanitarian assistance, which is needs-based, stabilization is a political endeavor involving an integrated civilian-military process where local authorities and systems can peaceably manage conflict and there will be a strong focus on prevention to reduce risks for a resurgence in violence. Transitional and policy-driven in nature, stabilization may include efforts to establish civilian security, provide access to dispute resolution, deliver targeted basic services, and establish a foundation for the return of displaced people and longer-term development.

Reconstruction is different from both humanitarian and stabilization assistance by design, intent, and scale. I understand that USAID does not provide reconstruction assistance in Syria or Yemen, and that in Yemen, USAID is focused on providing humanitarian and development assistance to address the most immediate needs.

Question. If confirmed, will you commit to ensuring that common definitions of these terms are understood, adopted, and upheld by any/all international mechanisms receiving and programming United States foreign assistance funds, such as U.N. agencies and multi-donor trust funds? How?

Answer. If confirmed, I commit to promoting prudent management of awards managed by USAID's Middle East Bureau and those awards made by the Bureau to and implemented by U.N. agencies and multilateral trust funds, and ensuring common definitions of these terms that are relevant to Middle East Bureau programming are understood and adopted in support of U.S. Government foreign policy. If confirmed, I pledge to coordinate with the Assistant to the Administrator for the Bureau for Humanitarian Assistance, who has authority over any humanitarian response, including early recovery programs.

Waste, Fraud, and Abuse

Question. A recent report by the Center for International Private Enterprise (CIPE) Anti-Corruption and Governance Center suggests that an estimated five to ten percent of annual humanitarian aid is lost to corruption, while an estimated seven percent of global spending on public health is lost to waste, fraud, and abuse. The United States is, by far, the single most generous donor of both humanitarian and global health assistance, including in the Middle East.

- If confirmed, will you commit to upholding a zero tolerance policy for waste, fraud, and abuse in the programs under your purview?

Answer. Yes, if confirmed, I commit to upholding a zero tolerance policy for waste, fraud and abuse in programs under my purview

Question. If confirmed, will you also uphold a zero tolerance policy for USAID staff and implementing partners who engage in the sexual exploitation and abuse of the vulnerable communities they are meant to serve?

Answer. Yes, if confirmed I will uphold a zero tolerance policy for USAID staff and implementing partners who engage in the sexual exploitation and abuse.

Question. What is your understanding of the strengths and weaknesses of third party monitoring and evaluation?

Answer. I understand that USAID defines Third-Party Monitoring (TPM) as "the systematic and intentional collection of performance monitoring and/or contextual data by a partner that is not USAID or an implementing partner directly involved in the work."

I also understand that third-party monitors are contracted by USAID to act as its eyes and ears when USAID staff are unable to visit all project/activity sites in non-permissive environments which are often characterized by instability, inaccessibility, and/or insecurity. Verification of activities and equipment delivery is the primary purpose for TPM. It is also a tool that mitigates the risk of USG resources going to sanctioned groups. The TPM service provider may also inspect implementation progress, collect feedback from beneficiaries, and gather contextual data to get a sense of the larger environment affecting activity implementation.

Strengths in using TPM include increased partnerships, capacity building of local monitors, and the ability to travel and monitor programs in locations where USAID staff access may be limited.

Question. The primary weakness in using TPM occurs when the risks of operating in non-permissive environments are shifted to local monitors. However, I understand that there are measures that USAID and TPM contractors take to reduce

such risks. For example, I understand that the TPM provider can develop a security plan that addresses the particular concerns for the context in which the contractor is operating.

- What is your understanding of the strengths and weaknesses of USAID's partner vetting procedures, particularly in areas under the control of foreign terrorist organizations?

Answer. I understand that USAID's partner vetting program significantly reduces the chances that USAID or its implementing partners are working with organizations or individuals that have connections to a foreign terrorist organizations. If confirmed, I commit to ensuring USAID's vetting processes are as robust and effective as possible.

I understand that USAID partners are required to review publicly available lists including, but not limited to, the System for Award Management and the Office of Foreign Assets Control sanctions list to ensure compliance with applicable laws and regulations. In addition to these measures, I understand that USAID currently utilizes partner vetting in five Middle East locations: West Bank and Gaza, Iraq, Lebanon, Syria, and Yemen and that partner vetting is part of USAID's strategy to mitigate the risk of diversion of taxpayer funds and resources to terrorists, supporters of terrorists, or affiliates of terrorists, while facilitating the Agency's ability to deliver programs in support of U.S. national security and foreign-policy priorities.

Question. In your opinion, do USAID personnel get out from behind U.S. embassy/mission walls enough to fully accomplish their missions?

Answer. It is my understanding that USAID regularly seeks ways to improve its ability to better accomplish its mission and that the mobility of USAID personnel within a host country is dependent on a number of factors, including staff safety and security. If confirmed, I commit to finding ways to ensure key aspects of our mission are achieved while balancing the safety of USAID personnel.

Question. How do you intend to improve the ability of USAID staff to better access local populations and conduct direct oversight of U.S. foreign assistance, including in conflict areas and fragile states?

Answer. I understand that USAID augments the direct oversight of assistance by staff with a variety of approaches to verify that assistance is reaching its intended beneficiaries, including by utilizing geo-tagged photos and videos of distributions and through feedback hotlines for beneficiaries. I also understand that USAID works closely with its implementing partners to develop activity-specific monitoring and evaluation plans, and coordinate with other donors and the Agency's Inspector General to identify risks and take steps to mitigate the potential for taxpayer dollars to be diverted.

In places where direct oversight is impracticable due to safety and security of USAID staff particularly in conflict areas and fragile states—I understand that USAID utilizes a number of tools, including vetting and remote, third-party monitoring to support oversight of activity implementation. I understand that through independent, field-based monitoring of activities and monthly progress reporting, third party monitors allow USAID to monitor programs in areas that are inaccessible to U.S. Government staff. The third-party mechanisms provide USAID with an additional level of assurance-similar to the role field visits play for USAID monitoring activities in more stable environments. If confirmed, I pledge to work with Agency leadership to ensure that the Agency continues to prioritize robust oversight of U.S. foreign assistance, including in conflict areas and fragile states.

Question. If confirmed, will you commit to aggressively pursuing access in complex operating environments by USAID direct hires, so they can regularly perform direct oversight of the programs under your area of responsibility?

Answer. Yes. If confirmed, I will commit to pursuing access in complex operating environments, while balancing the safety and security of USAID personnel, to ensure responsible oversight of USAID programs.

MANANGEMENT

Policy and Authority

Question. Having previously served as a policy analyst at a think tank and as Assistant Secretary of State for Near East Affairs, your experience appears to be focused on policy rather than on development.

- Do you acknowledge and, if confirmed, will you uphold the statutory division of authority between the Department of State and USAID, whereby USAID falls under the policy direction of the Secretary?

Answer. Yes, if confirmed, I will uphold the statutory structure and organizational principles by which USAID formulates and executes U.S. foreign economic and development assistance policies and programs, subject to the foreign policy guidance of the President, the Secretary of State, and the National Security Council.

Question. When it comes to democracy promotion in the Middle East, who is responsible for crafting the strategy—the Secretary or the Administrator?

Answer. If confirmed, I will uphold the statutory structure and organizational principles by which USAID formulates and executes U.S. foreign economic and development assistance policies and programs, subject to the foreign policy guidance of the President, the Secretary of State, and the National Security Council.

It is my understanding that the 2022-2026 Middle East and North Africa Joint Regional Strategy was developed by USAID and the Department of State as a part of an interagency process and under the foreign policy guidance of the President, the Secretary of State, and the National Security Council.

Mission, Morale, and Management

Question. How do you intent to ensure unity of mission and purpose between Washington, DC and USAID's overseas missions in the region?

- What is your understanding of morale within the USAID's Bureau for the Middle East and within each of the USAID missions in the region?
- How do you intend to improve morale in Washington, DC and overseas?

Answer. Having worked in the Near East Affairs Bureau during the instability that followed the Arab uprisings, I am particularly mindful of staff morale and unity of purpose, especially in a dynamic environment. If confirmed, I am committed to maintaining open dialogue with USAID personnel across the Bureau—including those in the field—to allow individuals to provide feedback, voice concerns, and share ideas. I'm committed to learning from the employees working in the Bureau for the Middle East and keeping my door open to hear their concerns.

Despite the challenging environment in which many USAID staff work, I have noted that USAID personnel I've met are consistently committed to their work and the mission that drives U.S. assistance to the peoples of the region. If confirmed, I commit to supporting USAID personnel as they carry out the Agency's critical development mission.

If confirmed, the safety and security of USAID personnel would be my highest priority. I expect that one of the major morale challenges I would face in addition to security is the workload carried by USAID employees. If confirmed, I am eager to work with Administrator Power to address staffing needs across the Middle East region and to ensure USAID has the staff needed to implement programming rigorously and responsibly.

Question. What is your expectation for returning USAID staff to the work place, following prolonged telework arrangements necessitated by COVID–19?

Answer. I understand that the Agency has moved to a hybrid work schedule that allows staff to use telework when it is suitable for their position and the work of the Agency. Telework can increase productivity, improve work-life balance, and reduce the stress of commuting in a congested region. I expect the Bureau and the Agency will likely need to make continued adjustments in the future as they continue to learn from this new model. If confirmed, I commit to ensuring the Bureau maintains the appropriate balance to support its important mission. With regard to Bureau staff working at USAID missions across the region, I understand that the telework policy at Missions is dictated by each country's respective Chief of Mission, and thus varies from post to post.

Question. If confirmed, will you commit to providing timely, thorough, and accurate responses to Congressional requests for information, including by restoring in-person briefings on the Hill, as necessary and appropriate?

Answer. Yes, I commit to maintaining open dialogue with Congress by providing timely, thorough, and accurate responses to Congressional requests for information, including through in-person briefings, as necessary and appropriate.

Question. How would you describe your management style?

Answer. My management style is collaborative. I believe team members work to their best ability when they feel themselves to be working alongside colleagues advancing a shared mission, with a clear vision and clear goals articulated by their leadership. This unleashes their expertise and problem-solving on behalf of our goals, and promotes mutual support within the workforce.

Question. Do you believe it is ever acceptable or constructive to berate subordinates, either in public or private?

Answer. No.

Question. Do you believe that it is important to provide employees with accurate, constructive feedback on their performance in order to encourage improvement and reward those who most succeeded in their roles?

Answer. Yes.

Question. If confirmed, would you support and encourage clear, accurate, and direct feedback to employees in order to improve performance and reward high achievers?

Answer. Yes, within the guidelines established by the Agency for such efforts.

BRANDING

Question. If confirmed, will you commit to taking a forward-leaning approach toward "branding" United States foreign assistance?

Answer. Yes. While recognizing there are limited exceptions to branding to maintain partner safety and security, I am committed to USAID branding, and if confirmed, will work to ensure that United States foreign assistance in the Middle East is appropriately branded in all possible instances. I believe appropriate branding sends a strong public diplomacy message, conveying that United States assistance is due to the generosity of the American people. If confirmed, I commit to complying with all USAID branding legal and policy requirements.

Question. Will you commit to continuously reviewing agreements to waive U.S. branding requirements, such that they are applied on a case-by-case and as-needed basis, rather than on a long-term, global basis?

Answer. Yes. I understand that USAID branding waivers must be limited in scope and regularly reviewed. If confirmed, I commit to rigorously reviewing all branding waivers I receive to ensure they are appropriately narrow both in scope and duration, so as to ensure beneficiaries of U.S. taxpayer assistance are informed of the source of that assistance.

FAMILY PLANNING AND REPRODUCTIVE HEALTH

Question. The President's FY 2022 budget request for the Department of State, Foreign Operations, and Related Programs proposes a substantial increase for Family Planning and Reproductive Health (FP/RH), through both bilateral aid programs and contributions to the U.N. Population Fund.

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

Answer. Yes.

Question. Do you recognize the fungibility of U.S. foreign assistance? If confirmed, will you commit to ensuring that U.S. foreign assistance does not enable implementing partners to perform or promote abortion as a method of family planning, perform involuntary sterilizations, or lobby for or against the legalization of abortion?

Answer. Yes. If confirmed, I commit to continuing to comply with all applicable laws, including the Helms and Siljander amendments.

LOCALIZATION

Question. Successive administrations—both Democrat and Republican—have launched initiatives to "localize" U.S. foreign assistance, including by building the capacity of local partners to design programs and manage U.S. funds directly, rather than working as sub-awardees to large, U.S.-based development contractors and non-governmental organizations. Each of these initiatives has had mixed results.

- What is your view of "localization" in the Middle East region?
- How can the Bureau for the Middle East more effectively empower local partners through its program consultation, design, and implementation processes?
- Is it appropriate to set targets for "localization" and, if so, what would you consider to be reasonable and appropriate for the programs under your purview, particularly given access and vetting constraints in the region?

Answer. I support the vision of localization Administrator Power presented in her November 2021 speech at Georgetown University, A New Vision for Inclusive Development, in which she outlined USAID's commitment to build on past efforts in making its work more inclusive; and that the Agency will pursue this, in part, through localization. I understand that USAID will shift its programs and practices to expand and enhance its support for locally-led development, the process in which local actors—encompassing individuals, communities, networks, organizations, private entities, and governments—set their own agendas, develop solutions, and bring the capacity, leadership, and resources to make those solutions a reality. I agree with Administrator Power that around the world, when USAID's efforts are responsive to local priorities, and draw upon local capacities, diverse networks, and resources-results are more likely to be sustained by local organizations and institutions.

For the Agency and the Middle East Bureau, I understand localization to mean channeling a portion of development and humanitarian awards directly to local civil society, business, and other institutions that are supported by and accountable to local communities. It means changing the power dynamics that have historically characterized the relationships among local actors, international prime partners, and donors, with renewed focus on empowering local actors-and, within that goal, ensuring meaningful participation by marginalized populations, including women, people with disabilities, youth, indigenous populations, displaced persons, and ethnic and religious minorities.

I think it is appropriate to set targets to help motivate and track the Agency's localization efforts. I understand that the targets that the Administrator announced in November—25 percent of USAID's funding going to direct local awards and 50 percent of the Agency's activities incorporating good practices to put local actors in the lead—are global targets. If confirmed, I look forward to consulting with Congress and with the Bureau and Mission staff, to identify appropriate targets given the unique context of the region.

INVESTIGATION INTO FOREIGN INFLUENCE AND ILLEGAL FOREIGN LOBBYING AT THE BROOKINGS INSTITUTION

Question. According to U.S. District Court records, the Federal Bureau of Investigation (FBI) is currently conducting an investigation into Gen. John Allen (retired)—former president of the Brookings Institution where you served as a Director of the Middle East Center and as a Senior Fellow from 2012-2022. The investigation concerns suspected illegal lobbying on behalf of the Government of Qatar in violation of the Foreign Agents Registration Act (FARA). Qatar was a major donor to the Brookings Institution for much of this time.

- How long did you work with Gen. Allen at Brookings?

Answer. General Allen became president of Brookings in November 2017; I was at that time a Senior Fellow in the Center for Middle East Policy, and remained in that role until November 2021 when I went on a leave of absence.

Question. How would you describe both of your roles throughout your respective tenures at Brookings?

Answer. I was first hired at Brookings as a Fellow in November 2003; I was promoted to Senior Fellow in the summer of 2008 and remained in that role until November of 2009 when I entered government service.

I rejoined Brookings as Senior Fellow and Director of the Center for Middle East Policy in March 2012. I remained in that role until March 2017, when I left the directorship and remained as a Senior Fellow until November 2021. From November 2021 until June 3, 2022, I was on a leave of absence from Brookings. I resigned effective June 3, 2022.

I believe that General Allen first joined Brookings as a Distinguished Fellow in June 2013. He then was named by President Obama as the Special Presidential Envoy for the Global Coalition Against ISIL and remained in that role until November 2015. He became president of Brookings on November 6, 2017.

General Allen became president of Brookings in November 2017; I was at that time a Senior Fellow in the Center for Middle East Policy, and remained in that role until November 2021 when I went on a leave of absence.

Question. How would you describe the way your role interacted with his?

Answer. I saw General Allen mainly at Brookings events where he was providing welcoming remarks, and at occasional Institution-wide town halls. I cannot recall any specifics regarding one-on-one conversations with him in his role as Brookings President. There were two managerial layers between my role as Center Director and the President.

Question. Did you ever attend a meeting at Brookings with Gen. Allen where the question of foreign donations to Brookings was discussed? If so, please describe.

Answer. Not to the best of my recollection.

Question. Did you ever attend a meeting with Gen. Allen where foreign officials or representatives of a foreign government were present? If yes, please provide the date, names of attendees, and topics discussed.

Answer. The Brookings Institution holds many meetings and events with foreign officials, at which General Allen would often provide opening remarks or give a formal welcome in his role as president.

Question. Did you ever attend a meeting with Gen. Allen where Qatari officials or representatives of the Government of Qatar were present? If yes, please provide the date, names of attendees, and topics discussed.

Answer. On June 3, 2015, when General Allen was serving in government as the head of the anti-ISIS coalition, he spoke as a guest at the U.S.-Islamic World Forum, a conference which the Center I ran at Brookings co-hosted in Doha with the Qatari Foreign Ministry's Permanent Committee on Organizing Conferences.

Question. Did you ever discuss United States policy toward Qatar with U.S. Government officials? If yes, please provide the date, names of attendees, and topics discussed.

Answer. Over the course of my career both in government and non-government roles, I have had many engagements with U.S. Government officials on a wide array of topics. I cannot recall, nor do I have records of, all such instances.

Question. Have you spoken with law enforcement about this investigation? Please answer yes or no. If yes, please provide the date and agency.

Answer. No.

Question. During your confirmation hearing, Sen. Young asked you if you would be "willing to urge Brookings to voluntarily work with this committee so that we can have a full accounting of foreign donations to the institution, especially funding that supported the work of the Middle East Center." You answered that: you would like Brookings to be as transparent as possible." That is not a commitment.

- Do you commit to work with the Senate Foreign Relations Committee to conduct thorough oversight into allegations of foreign influence and illegal lobbying at the Brookings Institution and by Gen. John Allen? Do you commit to urge the Brookings Institution to voluntarily share with the Senate Foreign Relations Committee information relating to the committee's oversight on this issue?

Answer. I would urge the Brookings Institution to cooperate with any Senate oversight investigation.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO DR. TAMARA COFMAN WITTES BY SENATOR MARCO RUBIO

Question. You have an extensive history of tweets and publications supporting a deeply divisive and partisan view of American foreign policy, especially towards Israel. In January 2019, you tweeted on my bill from last Congress, S.1, the Strengthening America's Security in the Middle East Act of 2019, that would have overhauled American foreign policy towards the Middle East. Included in that bill was my bipartisan Combatting BDS Act, which clarifies that state and local governments have the right to not award contracts to companies that engage in the hateful, antisemitic boycott, divestment, and sanctions movement. You said at the time, "Democrats are not taking the bait on BDS."

- Do you believe state governments should be allowed to avoid doing business with companies participating in the antisemitic BDS movement?

Answer. I unequivocally oppose the BDS movement. President Biden and Secretary Blinken have made it clear that the Administration firmly opposes the BDS campaign against Israel. The movement unfairly singles out Israel and too often veers into antisemitism.

Question. In November 2020, you wrote a blog saying that BDS is not always antisemitic. That would imply you support the BDS movement.

- Do you support the movement?

Answer. I unequivocally oppose the BDS movement. President Biden and Secretary Blinken have made it clear that the Administration firmly opposes the BDS campaign against Israel. The movement unfairly singles out Israel and too often veers into antisemitism. While the Administration respects the American people's First Amendment rights, I support the Administration 's vocal disapproval of the BDS campaign and any effort to delegitimize Israel on the world stage.

Question. Why did you call the inclusion of my bipartisan bill "bait?"

Answer. Senator, I unreservedly apologize for my comments. To clarify, I was not referring to the content of the bill, but to the tactical and procedural behavior then underway between the two parties in Congress involving pressing for competing votes on competing legislative proposals regarding support for Israel, rather than forging a bipartisan consensus on a matter where both parties agree. As I have noted, including in an article published in the Atlantic, the partisan polarization around Israel in the United States is, in my view, deleterious to the health of the US-Israel relationship.

Question. Senator Manchin and I have reintroduced the Combatting BDS Act this Congress and are seeking a path towards its passage. If confirmed, would you recommend that the President oppose or even veto this bipartisan bill?

Answer. If confirmed, my opinion on this bill would be outside of my responsibilities as Assistant Administrator for the Middle East at USAID.

Question. Brookings Institution President John Allan recently resigned following revelations that he secretly lobbied for the Qatari Government. Unfortunately, Qatar's deep influence at Brookings does not start or end with John Allan. While you led Brookings Middle East Center from around 2012 to 2017, the Middle East Center received a $14.8 million grant from Qatar. While the Senate is extremely supportive of the U.S.-Qatar relationship—I joined many of my colleagues in cosponsoring a resolution recognizing Qatar's role in helping the American evacuation from Afghanistan—that does not mean we should give it free rein to influence American policymakers without any transparency.

- While you were at Brookings, did Qatar have any influence over hiring decisions and the publication of written work?

Answer. While I led the Brookings Middle East Center from 2012 to 2017, Qatar did not have any influence over hiring decisions and the publications of written work for which I was responsible.

Question. Are you able to disclose the details of an agreement Qatar announced with Brookings in 2017? If not, why not?

Answer. I do not have details of any agreement announced between Brookings and the Government of Qatar in 2017. At the time of a press release issued by the Government of Qatar in May 2017 titled "Qatar and Brookings Center Sign Agreement," I was no longer the Director of the Center for Middle East Policy. My understanding of the press release is that it refers to the final, three-year renewal of the longstanding grant to Brookings for its Project on U.S. Relations with the Islamic World, which was part of the Center for Middle East Policy.

Question. Unfortunately, your tenure at Brookings indicates you have a history of avoiding hard criticism for regimes that donated significant sums of money to you. In 2018, you praised Saudi Arabia's rapid urbanization and reforms under Crown Prince Mohamad Bin Salman. This effusive praise was puzzling given Saudi Arabia's crackdown on women's rights and religious freedom advocates, who you typically write in support of. However, this all made sense when it was revealed in October 2018 that Brookings had a previously undisclosed donation from Saudi Arabia. Since cancelling that grant, you've been almost overly enthusiastic in your criticism of Saudi Arabia.

- We know that Qatar gave a significant amount of money to Brookings. Are you currently receiving money, or the promise of future payment from Qatar or any other foreign government, if confirmed?

Answer. No. I am not receiving payments from Qatar, and I have never received any payments from Qatar. I have no promise of future payment from Qatar or any other foreign government.

Question. Will you disclose the full history of foreign government grants to Brookings so that the American people can review and compare it with your extensive history of publications?

Answer. I do not have access to that information and refer you to the Brookings Institution to respond to any questions about their agreements. The relationships

with Qatar and other foreign government donors predated my arrival as Director of the Middle East Center and were managed by the Brookings President and the Vice President for Foreign Policy. I can say with absolute confidence that my research was conducted with complete independence and stands on its own merits.

Question. Will you commit that your decisions at USAID will not be influenced by Qatar or any other foreign government, if you are confirmed?

Answer. Yes, absolutely.

I would like to add that I have never engaged in "effusive praise" of the Saudi Government, neither in 2018 nor in any other year. I have had one friend, Jamal Khashoggi, who was murdered by the Saudi Government, and another imprisoned for months without trial. Other friends have left the country seeking freedom. I was never involved in any Brookings work with Saudi Arabia.

Question. You have written extensive criticism of the Abraham Accords, retweeting articles that called the normalization agreements a "triumph for authoritarianism" and the "normalization of men." Israel is our strongest ally in the Middle East and the region's only full democracy. Encouraging normalization of its relations with other countries in the region also serves to encourage freer conditions in those countries. That's why this committee overwhelmingly voted in favor of the bipartisan Israel Relations Normalization Act to further promote this process.

- Do you believe that other states in the region should normalize relations with Israel?

Answer. Yes. I fully support the Abraham Accords and if confirmed, I commit to supporting the Administrator's and the Biden administration 's efforts to build upon these agreements to further strengthen cooperation between Israel and its neighbors and to encourage other Arab and Muslim countries to normalize relations with Israel.

As I noted in the hearing, I did express skepticism very early on, in August 2020, that other governments would join the UAE in opening ties to Israel; I was quickly proven wrong and, as I told the hearing, the inclusion of Bahrain, Sudan and Morocco made the significance of the Accords clear and presented an opportunity that I believe the U.S. Government must seize. As I said in my opening statement and again to Senator Portman, if confirmed, I absolutely will work assiduously with my colleagues in the Biden administration to build upon these transformative agreements.

I tweeted sharing two articles critical of the Accords, one by an Israeli and one by an Egyptian, because they presented aspects of the Accords I thought needed grappling with. I did not tweet them because I agreed with the articles, and my tweets very specifically did not endorse the articles or even suggest or imply that I agreed with them. I have shared many articles on Twitter, with which I may agree, disagree, or not have a view.

The Accords were a transformative event in the region with many dimensions and many implications; my role as a policy analyst was to understand how different audiences in the region and in Washington viewed what was happening and to integrate that knowledge into my own analysis.

Question. If confirmed, will you work against the promise of normalizing relations between Israel and other countries?

Answer. Absolutely not. As I said in my opening statement and again to Senator Portman, if confirmed, I absolutely will work assiduously with my colleagues in the Biden administration to build upon these transformative agreements. to further strengthen cooperation between Israel and its neighbors and to encourage other Arab and Muslim countries to normalize relations with Israel.

Question. Given your past advocacy against the Abraham Accords, how can this committee be confident in your ability to eagerly promote the normalization of relations with Israel?

Answer. As stated in the hearing, I did express skepticism very early on, in August 2020, that other governments would join the UAE; I was quickly proven wrong and, and believe that the inclusion of Bahrain, Sudan and Morocco made the significance of the Accords clear and presented an opportunity that I believe the U.S. Government must seize. If confirmed, I pledge to support the administrator's and the Biden administration's efforts to build upon these agreements.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO DR. TAMARA COFMAN WITTES BY SENATOR TED CRUZ

Question. The Assistant Administrator for Middle East at USAID has responsibility for overseeing a fund of nearly $2 billion across the region, including for projects the following countries and territories: Algeria, Egypt, Iraq, Israel. Jordan, Lebanon, Libya, Morocco, Syria, Tunisia, West Bank & Gaza, and Yemen. Some projects are regional in nature, and necessarily regional in nature, and implicate conditions in Bahrain, Kuwait, Oman, Saudi Arabia, the United Arab Emirates, Saudi Arabia, Iran, and Qatar.

Qatar and Brookings have partnered to hold the U.S.-Islamic World Forum since 2004, and Qatar has supported Brookings with tens of millions of dollars. During that time, you strongly and publicly advocated positions that advanced the foreign policy of the Qatari Government. You've praised Qatar's human rights record despite their abuses, some of which have been discussed earlier today.

You began your tenure at Brookings in December 2003.

- Please outline any financial relationship the Brookings Institution has had with any of these countries or their close regional allies since 2004. For each grant, please list the exact amount and purpose of the grant.

Answer. I do not have that information, and refer you to the Brookings Institution. Financial relationships and grants with Qatar were established and managed by my superiors at Brookings.

Question. Were you ever present for meetings relating to fundraising for the Brookings Institution with officials from any of these countries since 2004? If so, please describe the date, purpose and participants of those meetings. If the meetings generated grants, please cite those with their exact amount and purpose.

Answer. During my time at Brookings, primary fundraising responsibility for Brookings research rested with the President and the Vice Presidents of the five research programs. I participated in fundraising activities at the direction of the Vice Presidents for Foreign Policy Studies under whom I served, and of Brookings President Strobe Talbott, as well as their development staffs. During my time as director of the Middle East Center, I worked under the supervision of Vice Presidents Amb. Martin Indyk, Acting Vice President Ted Piccone, and Vice President Bruce Jones, as well as Amb. Talbott.

My participation in fundraising at Brookings had two elements: First, when requested by development staff or supervisors, I participated in substantive briefings on current policy topics, often in a panel with other scholars, for organizations and individuals who were donors and/or potential donors. Second, I engaged directly with several individual donors to the Center's work, including its founding donor, Haim Saban. These contacts were also organized by and/or coordinated with the Brookings development staff, the Vice President for Foreign Policy Studies, and the President.

Question. Have you ever been registered as a foreign lobbyist for any of those countries or territories, or for their governments, embassies, and other entities controlled by their governments?

Answer. No.

Question. Please identify any advocacy or analysis you conducted at the federal level since 2004, outside of periods when you were serving as a U.S. Government official, regarding U.S. policy toward these nations. Please specifically list any Congressional hearing testimony, Congressional briefings, or other public support.

Answer. All of my congressional testimony as a non-government expert witness was provided to the committee as part of my nomination package. Here is a list:

Congressional Testimony

"Egypt: Trends in Politics, Economics, and Human Rights," testimony before the Subcommittee on the Middle East and North Africa of the House Foreign Affairs Committee, September 9, 2020.

"Lebanon and Iraq: After the Elections," testimony before the Subcommittee on the Middle East and North Africa of the House Foreign Affairs Committee, May 22, 2018.

"The Latest Developments in Saudi Arabia and Lebanon," testimony before the Subcommittee on the Middle East and North Africa of the House Foreign Affairs Committee, November 29, 2017.

"War in Syria: Next Steps to Mitigate the Crisis," testimony before the Senate Committee on Foreign Relations, May 17, 2016.

"Israel Imperiled: Threats to the Jewish State," testimony before the Subcommittee on Terrorism, Nonproliferation, and Trade and the Subcommittee on the Middle East and North Africa of the House Foreign Affairs Committee, April 19, 2016.

"Regional Impact of U.S. Policy Towards Iraq and Syria," testimony before the Subcommittee on the Middle East and North Africa of the House Foreign Affairs Committee, April 30, 2015.

"Demonstrations in Tahrir Square: Two Years Later, What has Changed?" testimony before the Subcommittee on the Middle East and North Africa of the House Foreign Affairs Committee, February 26, 2013.

"Syria: U.S. Policy Options," testimony before the Senate Committee on Foreign Relations, April 19, 2012.

"Reflections on the Revolution in Egypt: Part I," testimony before the Subcommittee on the Middle East and North Africa of the House Foreign Affairs Committee, February 15, 2012.

"Women and the Arab Spring," testimony before the Subcommittee on International Operations and Organizations, Human Rights, Democracy, and Global Women's Issues and the Subcommittee on Near Eastern and South and Central Asian Affairs of the Senate Committee on Foreign Relations, November 2, 2011 (representing the Department of State).

"Shifting Sands: Political Transitions in the Middle East, Part 2," testimony before the Subcommittee on the Middle East and South Asia of the House Foreign Affairs Committee, May 5, 2011 (representing the Department of State).

I signed occasional advocacy letters as a member of the bipartisan Working Group on Egypt and similar efforts.

Question. Did you personally participate in any fundraising meetings with Qatari officials? If so, please describe the meetings and any grants that emerged from the meeting. Please list the exact amount and purpose of the grant.

Answer. As noted above, I recall supporting a fundraising meeting once with my Vice President for Foreign Policy in Doha in 2012 to request a renewal of the grant supporting the U.S.-Islamic World Project, on the margins of the U.S.-Islamic World Forum. I do not have specific details on that request, nor do I recall specifics on any other such meeting, and do not have access to records that would provide them.

Question. Did you personally participate in any fundraising meetings about raising money from Qatar? If so, please describe the meetings and any grants that emerged from the meeting. Please list the exact amount and purpose of the grant.

Answer. As noted above, I recall supporting a fundraising meeting once with my Vice President for Foreign Policy in Doha in 2012 to request a renewal of the grant supporting the U.S.-Islamic World Project, on the margins of the U.S.-Islamic World Forum. I do not have specific details on that request, nor do I recall specifics on any other such meeting, and do not have access to records that would provide them.

Question. Since 2012, have you ever lobbied Congress on specific legislative items pertaining to the Middle East, whether through meetings, letters, emails, phone calls, or other forms of communication?

- For each instance, please list the date, legislative item, and congressional office you lobbied.

Answer. Over the past ten years both as a member of the Obama administration and at the Brookings Institution, I engaged Congressional staff and members on a host of issues relevant to my expertise. That engagement included providing information and resources, consulting with staff and members on issues of concern to them, providing expert testimony, and participating in educational programs for members of Congress and/or programs held on Capitol Hill with Congressional staff and/or members, and sponsored by other organizations. As a State Department official responsible for overseeing the Congressionally-funded Middle East Partnership Initiative, and as Deputy Special Coordinator for Middle East Transitions, I engaged regularly with staff of the committees with jurisdiction over that assistance: HFAC, SFRC, and the Foreign Operations subcommittees in both houses of Congress.

Question. If confirmed, do you commit to recusing yourself from projects that implicate any countries with which Brookings had a financial relationship since 2004?

Answer. I commit to follow the guidance of the Agency Ethics Official, and the commitments made in my ethics agreement, along with all relevant laws, policies and regulations.

Brookings Ties To Qatar—Disclosure

Question. During your testimony to SFRC, you indicated that you had previously disclosed to Congress the financial entanglements between Brookings and Qatar. You gestured toward so-called Truth in Testimony Disclosure Forms that would have been filled out pursuant to testimony in front of the House Foreign Affairs Committee. The forms you filled out do not appear to mention Qatar, though they do have references to foreign funding, e.g. Item 6.

- Are there any Truth In Testimony forms, or other forms pursuant to Congressional testimony, that do mention Qatar?

Answer. As a matter of institutional policy, these forms were completed with standard language which refers to Brookings's annual reports, in which Qatari support for the Institution is clearly noted.

Question. Were the answers in Item 6 what you were referencing when you testified to SFRC that you had disclosed to Congress the financial ties between Qatar and Brookings?

Answer. Yes.

Question. Who drafted the explanations in Item 6 of these forms?

Answer. As a matter of institutional policy, these forms were completed by Brookings Development staff for all Foreign Policy scholars whose testimony was requested.

Question. Did you consult with competent legal counsel over filling out these forms?

Answer. I did not.

Question. Did you consult with any Qatari officials before filling out these forms?

Answer. I did not.

Brookings Ties To Qatar—Dinner

Question. In 2013 you were directory of the Brookings Center for Middle East Policy, amid Qatar's ongoing financial support for Brookings. In spring 2013 Brookings hosted an off-the-record dinner between Qatari officials, including Prime Minister and Foreign Minister Sheikh Hamad bin Jassim bin Jaber Al Than, and leading Washington DC policymakers and journalists. In the private sector, coordinating such an event would likely have required American persons to register under the Foreign Agent Registration Act (FARA).

Journalist Jeffrey Goldberg attended that dinner and criticized it publicly, describing Qatar as "the Hamas-loving, worker-exploiting, party-banning, dissent-stifling, Muslim Brotherhood-funding U.S. ally." You publicly defended the dinner, telling a journalist that "Jeffrey can and should write whatever he wants to write. But we got a leading foreign official to respond, on the record, to the questions that everyone wanted to ask... Brookings is fortunate to have funders from a variety of sectors. It's clear to the organization and to its funders that we maintain our independence, and our relationship with [Qatar] is not different than our relationship with any other donor."

- Did you register under FARA for activities related to the event? If not, why not?

Answer. I did not.

Question. Before making your decision whether to register under FARA for those activities, did you consult with a lawyer competent in FARA? If not, why not?

Answer. I do not have any specific recollection about this matter, and I do not have access to records that might provide that information.

Question. To your knowledge, did anyone at Brookings register under FARA for activities related to the event? If so, who?

Answer. I have no information on that.

Question. To your knowledge, did anyone at Brookings consult with a lawyer competent in FARA about whether they should register under FARA for such activities? If so, who?

Answer. I have no information on that.

Question. Did you consult or coordinate with any Qatari official before publicly issuing the response that you gave to journalists about the spring 2013 dinner?

Answer. No.

Question. Do you agree with Goldberg's assessment that Qatar is "the Hamas-loving, worker-exploiting, party-banning, dissent-stifling, Muslim Brotherhood-funding U.S. ally"?

Answer. I have publicly criticized Qatar's approach to terror financing, as well as its hosting of Hamas and Taliban officials.

Brookings Ties To Qatar—Joint Publications

Question. On at least two occasions, the Brookings Institution produced joint publications with Qatar's Ministry of Foreign Affairs: a June 2016 article titled "Between Interference and Assistance: The Politics of International Support in Egypt, Tunisia, and Libya" and a January 2017 "Islamism after the Arab Spring: Between the Islamic State and the nation-state." Both of these reports feature Brookings logos alongside the logo of the Qatari Ministry of Foreign Affairs. You were on the steering committee of these. Please describe the circumstances under which these reports were produced.

Answer. During my time as Center Director from 2012-2017, I oversaw the work of the Project on U.S.-Relations with the Islamic World. The Project co-sponsored a conference, the U.S.-Islamic World Forum, with the Qatari Foreign Ministry's Permanent Committee for Organizing Conferences. Speakers at these Forums included a number of U.S. officials, leaders from Muslim-majority countries, civil society activists and scholars from a wide variety of perspectives.

This conference was held in Doha during my time as Center Director on the following dates: May 28–31, 2012; June 9–11, 2013, June 9–12, 2014, and June 1–3, 2015

The Conference also hosted working groups focused on issues such as interfaith dialogue, arts and culture, Muslim minorities in the West, and women's empowerment. These working groups were selected through a competitive process by the Project on U.S. Relations with the Islamic World, and the Qatari Government had no role in the process of selection. The working groups produced papers prior to the conference, and a report of their discussions after the conference. These were published by Brookings, subject to Brookings's usual review process for published reports, and not reviewed or edited by the Government of Qatar. I've attached an example of such a report.

Some of these conference-related publications produced by Brookings included the logo of the Qatari Permanent Committee for Organizing Conferences alongside the Brookings logo. Those publications were published with the same independence, and subject to the same review process as other Brookings Foreign Policy publications.

I did not author any working group reports or papers during my time as Center Director.

Question. Which if any Qatari officials contributed to the production of these reports?

Answer. None.

Question. Are you aware of any Qatari Government officials who cleared this report? If so, which?

Answer. No.

Question. What role was played by the Government of Qatar or Qatari Government officials in the production of the reports? To what degree did they affect the content of the final reports?

Answer. No Qatari official played any role in producing the reports.

Question. Did you register under FARA for activities related to this report? If not, why not?

Answer. No, I did not.

Question. Before making your decision whether to register under FARA for those activities, did you consult with a lawyer competent in FARA? If not, why not?

Answer. I do not have specific recollection about this matter, and I do not have access to records that might provide that information.

Question. To your knowledge, did anyone at Brookings register under FARA for activities related to this report? If so, who?

Answer. I have no information on that.

Question. To your knowledge, did anyone at Brookings consult with a lawyer competent in FARA about whether they should register under FARA for such activities? If so, who?

Answer. I have no information on that.

Post-Brookings

Question. You left the Brookings Institution in November 2021. Since then you have engaged in a variety of activities since departing from the Brookings Institution, including publishing a book on academic-adjacent professions. Most recently, you publicly disclosed that you are a senior advisor in the State Department's Office of the Sanctions Coordinator.

- Please describe the circumstances of your departure from Brookings in November 2021.

Answer. In late 2020 or early 2021, Brookings established a new policy by which scholars under consideration for senior government roles had to undergo a review by the General Counsel's office to determine whether their candidacy for said role interfered with their job duties. Because of a determination by Brookings that my nomination constrained my ability to undertake my Brookings duties, I was placed on an unpaid leave of absence beginning November 1, 2021.

Question. Please describe the circumstances under which you were approached, or you pursued, the position in the State Department's Office of the Sanctions Coordinator.

Answer. Based on my expertise and my experience with the policy process and the State Department, I was offered a role as a senior adviser in the Office of Sanctions Coordination. I underwent the required security background checks and began work on June 5, 2022.

Question. To your knowledge, what steps did the State Department take to ensure that the hiring was competitive, and that equal employment opportunity (EEO) laws and regulations were followed?

Answer. I have no information on that question. I would refer you to the State Department.

Question. When did you interview for the position in the State Department's Office of the Sanctions Coordinator?

Answer. My first interview was in February 2022.

Question. When you offered the position of an advisor in the State Department's Office of the Sanctions Coordinator?

Answer. I received a tentative offer letter on March 21, 2022 and a final offer letter on May 26, 2022 after the completion of a background investigation.

Question. When did your employment start in the position of an advisor in the State Department's Office of the Sanctions Coordinator?

Answer. June 5, 2022

Question. Who held this position prior to you?

Answer. The office was established in legislation passed in December 2020. Amb. O'Brien is the first incumbent in the Senate-confirmed role of Sanctions Coordinator. I was hired as part of staffing up this new office, and thus, to my knowledge, I had no predecessor.

Question. If you are confirmed, are you aware of any plans to replace you with another senior advisor? To your knowledge has the hiring process started?

Answer. I have no information on this question. I would refer you to the State Department.

Policy—BDS

Question. In January 2019, you criticized Leader McConnell in the context of legislation that included provisions countering the Boycott, Divestment, and Sanctions (BDS) movement against Israel. Specifically, Leader McConnell was seeking to add additional provisions to the legislation, and you tweeted that "McConnell realizes Democrats are not taking the bait on BDS, so he's desperately adding random provisions to this bill." BDS has been broadly criticized as antisemitic, and the U.S. Senate has passed a resolution about highlighting the role that boycotts of Jewish businesses have historically played in endemic anti-Jewish bigotry. In contrast, you have tweeted that "BDS isn't always antisemitism."

- Under what specific circumstances do you believe that BDS is not antisemitism?
- What did you mean by describing anti-BDS provisions as "bait"?
- Do you support the BDS movement?

Answer. Senator, I unreservedly apologize for my comments. To clarify, I was not referring to the content of the bill, but to the tactical and procedural behavior then underway between the two parties in Congress involving pressing for competing votes on competing legislative proposals regarding support for Israel, rather than forging a bipartisan consensus on a matter where both parties agree. As I have noted, including in an article published in the Atlantic, the partisan polarization around Israel in the United States is, in my view, deleterious to the health of the U.S.-Israel relationship.

I unequivocally oppose the BDS movement. President Biden and Secretary Blinken have made it clear that the Administration firmly opposes the BDS campaign against Israel. The movement unfairly singles out Israel and too often veers into antisemitism. While the Administration respects the American people's First Amendment rights, I support the Administration's vocal disapproval of the BDS campaign and any effort to delegitimize Israel on the world stage.

Policy—Abraham Accords

Question. An enormous part of your job, if confirmed, would be distributing aid aimed at bolstering our Middle East allies and alliances. For decades, one of the most significant frameworks in the region were the Camp David Accords between Israel and Egypt. More recently, the Abraham Accords have transformed the region. You have been deeply critical of actors in both of those frameworks.

In September 2020, you tweeted that Arab leaders shouldn't deepen ties with Israel until they saw whether President Trump won reelection. You wrote "If I were an Arab leader weighing ties with Israel, I would have 2 things in mind: 1) a promise from Kushner now isn't worth much. Why not wait until after Nov elections? 2) Bibi's backtracked on his commitments ot UAE; his promises aren't worth much either. Let's wait and see." You also tweeted that peace between Israel and the UAE was a "New Naksa" (naq-sa)—a setback. You said that it was a "triumph for authoritarianism" and just "normalization of men."

- Why did you advise Arab leaders not to deepen ties with Israel until after the November election?
- Do you believe that your comments about the trustworthiness of Israeli officials, and specifically former PM Netanyahu, would hinder your ability to work with Israeli officials in the context of your role at USAID, if confirmed?
- What specific steps do you intend to take to engage Israeli colleagues in the context of your previous criticisms, both of Israel and of the Abraham Accords?

Answer. I'm committed to widening the circle of peace between Israel and its neighbors and deepening cooperation among the participants in the Abraham Accords. If confirmed, I will seek opportunities to further expand the Agency's existing cooperation with MASHAV, the Israeli international development agency, on major regional issues of concern—such as food security, water conservation, agriculture, and green energy—emphasizing trilateral cooperation between USAID, Israel, and with Abraham Accords countries. If confirmed, I will also work to encourage participation from Abraham Accord country researchers in the Middle East Regional Cooperation (MERC) program, which fosters Arab-Israeli scientific cooperation through multi-year research grants on topics of regional development relevance.

If confirmed, I will encourage the USAID Middle East Bureau to continue what I understand are regular engagements with Israeli counterparts at all levels and to increase USAID-Israeli cooperation both within the region, and on other shared development priorities. If confirmed, I will personally engage and seek to build close, constructive relationships with Israeli Government colleagues, with whom I understand USAID already maintains regular contact and coordination to ensure Israeli input and support for USAID activities in the West Bank and Gaza.

Policy—Qatar

Question. During your confirmation hearing Sen. Cardin said: "I am deeply concerned about the exploitation and abuse of migrant workers in Qatar, with workers exposed to forced labor, unpaid wages, and excessive working hours as the country prepare for the World Cup in November."

- Do you agree with Sen. Cardin's assessment that in Qatar there is "the exploitation and abuse of migrant workers in Qatar, with workers exposed to forced labor, unpaid wages, and excessive working hours as the country prepare for the World Cup in November?"
- Did you ever raise concerns within Brookings that the financial relationship between the Institution and Qatar risked exposing Brookings to reputational risk because of human rights violations inside Qatar?

Answer. Yes.

Question. In 2012, you tweeted positively about Qatar's record for human rights: "Brookings has partnerd with Qatar many years on this topic. And Doha's become a global gathering place for dialogue!" Do you continue to hold that assessment?

Answer. No, I do not.

Policy—Egypt

Question. USAID has a significant bilateral program with Egypt. During your career you have been deeply critical of Egyptian President Abdel Fattah el-Sisi, and have specifically advocated cutting aid. In 2016 you wrote that it was imperative for the U.S. to "no longer be in the unseemly position of providing taxpayer largesse—however small in the grand scheme of things" to the Sisi Government. Your criticisms have been both pitched and have included predicting the collapse of the Government: in March 2020 you retweeted that "Egypt's Reich will also fall, but list fascist regimes before it."

- Why did you retweet the comparison of the Sisi Government to Nazi Germany?
- Do you believe that your comments about the Sisi Government in general will hinder your ability to work with Egyptian officials in the context of your role at USAID, if confirmed?
- What specific steps do you intend to take to engage Egyptian colleagues on issues of aid specifically, and more generally the U.S.-Egypt relationship, to mitigate potential complications from your public stances?

Answer. Throughout my career I have engaged fruitfully and in good faith with Egyptians, whether government officials, business figures, journalists, academics, private sector, or civil society activists, including co-organizing with Egyptian partners two nongovernmental U.S.-Egyptian strategic dialogues. These engagements have frequently included discussions on assistance. I expect to continue such fruitful engagements.

Policy—Muslim Brotherhood

Question. You've said that the terrorist Muslim Brotherhood, which has been supported by Qatar and opposed by the Egyptian Government, is actually "not a terrorist movement." You have advocated withholding American aid on issues related to the Egyptian Government's efforts to suppress the Brotherhood.

You have also been publicly supportive of the case of Salah Soltan, a Muslim-Brotherhood linked preacher imprisoned by the Egyptian Government on terrorism related charges. You've called his imprisonment "shortsighted and narrow policy." Meanwhile Soltan has said: "I travel all over the world, and I met supporters of Al-Aqsa, of the prisoners, of Jerusalem, and of Palestine—people who thirst for the blood of the Jews, and who are eager for the promised war against the sons of Zion, until Palestine is liberated in its entirety." He has also said "I want our brothers, and the whole world, to know what's going on these days, during Passover. Read Dr. Naghuib Al-Kilani's book, Blood for the Matzos of Zion. Every year, at this time, the Zionists kidnap several non-Muslims [sic]—Christians and others. . . . By the way, this happened in a Jewish neighborhood in Damascus. They killed the French doctor, Toma, who used to treat the Jews and others for free, in order to spread Christianity. Even though he was their friend and they benefited from him the most, they took him on one of these holidays and slaughtered him, along with the nurse. Then they kneaded the matzos with the blood of Dr. Toma and his nurse . . . the world must know these facts about the Zionist entity and its terrible corrupt creed. The world should know this." Do you consider this statement genocidal? He has also said "Any Zionist—tourist or other—who enters Egypt must be killed. We will not kill tourists from any [other] country. We stress that this fatwa is directed only toward those Zionists, who destroyed our country, killed our people, and shed our blood on our land." Do you consider this statement antisemitic?

- Do you consider the Muslim Brotherhood to be a terrorist group?

Answer. No U.S. administration has ever determined that the Muslim Brotherhood qualifies for designation as a foreign terrorist organization.

Question. If confirmed, do you commit not to withhold aid from Egypt, or advocate withholding aid in the context of USAID's role in the interagency process, related to Egypt's stance on the Muslim Brotherhood?

Answer. If confirmed, I will conduct my role as required by law and regulation and according to the policies of the Administration.

Question. Do you consider any of these statements by Mr. Soltan to be antisemitic hate?

Answer. These are vile and hateful statements, and I condemn them completely.

Question. Do you consider any of these statements by Mr. Soltan to advocate genocide against Jews?

Answer. These are vile and hateful statements, and I condemn them completely.

Question. Do you consider Mr. Soltan to be a "hate preacher"?

Answer. These are vile and hateful statements, and I condemn them completely.

Question. If confirmed, do you commit not to withhold aid from Egypt, or advocate withholding aid in the context of USAID's role in the interagency process, related to the release of Mr. Soltan?

Answer. Any future decisions on withholding of funds would be policy decisions made through an interagency process that includes the White House and State Department. While I cannot anticipate future discussions on this matter, if confirmed, I commit to consulting with Congress about any decisions related to the withholding of USAID assistance to Egypt.

Public Social Media Advocacy

Question. You have advanced your policy and political views over a variety of new media platforms, from social media to podcasts. You opened your Twitter account in November 2011, since then, you posted more 118,500 tweets (other than tweets that were delated).

During your confirmation process, you have locked your Twitter account so that your public record can no longer be reviewed.

- Why did you lock your Twitter account? Do you intend to unlock it after your confirmation process?

Answer. As I was entering a role in the State Department on June 6, I followed Department guidelines and best practices for social media in setting my Twitter account to private. If I am confirmed, I will follow Agency guidelines on the use of social media.

Question. Can you please provide all of your tweets in a searchable form to the committee?

Answer. My Twitter feed is searchable.

Question. You have tweeted negatively about members of the U.S. Senate. Have you deleted any of those tweets? If so, can you please provide them to the committee?

Answer. I do not have a general practice of deleting tweets. My Twitter feed is searchable.

I sincerely regret any tweets or retweets that characterized others, including members of the Senate, in unkind terms. I apologize unreservedly. If confirmed, I assure you that I respect and intend to fully honor the fundamentally nonpartisan nature of USAID's activities. I believe that my long public record and my relationships and activities across the political spectrum make clear that these statements on Twitter do not represent how I engage in policy or politics. I want to assure you directly that, if confirmed to this position, I will always be respectful with those who have different views from my own and will hold myself to the highest of standards in such conduct.

Disinformation

Question. Earlier this year Nina Jankowicz was named director of the DHS Disinformation Governance Board. You tweeted that you were "thrill to see [her] take on this urgent and essential work" and that it was a "big win for our democracy and national security." The Biden administration subsequently albeit partially reversed progress on the board, and Jankowicz is now unconnected to the project.

Before and after this controversy, Biden administration officials, including USAID officials, publicly advocated to use the resources of the U.S. Government to combat disinformation. Identifying disinformation has become a subject of significant public controversy.

- In July 2020 you amplified a tweet that alleged that Republicans in Congress and the Trump administration were trying to undermine the U.S. Postal Service "to undercut vote by mail & suppress votes." You echoed the concern and commented on top of the tweet that "We are all going to need to send our ballots in early and/or have easy access drop off locations."

- Do you believe that Republicans sought to interfere with the U.S. Postal Service to undermine the integrity of the 2020 election?

Answer. I do not have a view on this question.

Question. Do you believe that this claim—that Republicans interfered with the U.S. Postal service to undermine the integrity of the 2020 election—constitutes disinformation?

Answer. I do not have a view on this question.

Question. What do you view as the role of the U.S. Government in combatting alleged disinformation?

Answer. I understand that a large part of USAID's mission is to elevate and integrate democracy, human rights, and governance within the Agency's overall development portfolio. By promoting and demonstrating democratic values abroad, USAID works to advance a free, peaceful and prosperous world.

In part, I understand that USAID democracy, human rights, and governance programming works to strengthen the resilience of societies and the media environment in countries that are targets of disinformation campaigns from actors that work to undermine the efforts of the United States and its interest. Programming focused on media development, media and digital literacy, and cybersecurity is critical in ensuring that people and institutions in these countries in target countries have credible access to information and resources to protect themselves from all forms of instability.

Question. An enormous part of your job, if confirmed, would be distributing aid aimed at bolstering our Middle East allies and alliances. For decades, one of the most significant frameworks in the region were the Camp David Accords between Israel and Egypt. More recently, the Abraham Accords have transformed the region. You have been deeply critical of actors in both of those frameworks. In September 2020, you tweeted that Arab leaders shouldn't deepen ties with Israel until they saw whether President Trump won reelection. You wrote "If I were an Arab leader weighing ties with Israel, I would have 2 things in mind: 1) a promise from Kushner now isn't worth much. Why not wait until after Nov elections? 2) Bibi's backtracked on his commitments to UAE; his promises aren't worth much either. Let's wait and see." You also tweeted that peace between Israel and the UAE was a "New Naksa" (naq-sa)—a setback. You said that it was a"triumph for authoritarianism" and just "normalization of men."

- What specific steps do you intend to take to engage Israeli colleagues in the context of your previous criticisms, both of Israel and of the Abraham Accords?

Answer. I'm committed to widening the circle of peace between Israel and its neighbors and deepening cooperation among the participants in the Abraham Accords. If confirmed, I will seek opportunities to further expand the Agency's existing cooperation with MASHAV, the Israeli international development agency, on major regional issues of concern—such as food security, water conservation, agriculture, and green energy—emphasizing trilateral cooperation between USAID, Israel, and with Abraham Accords countries. If confirmed, I will also work to encourage participation from Abraham Accord country researchers in the Middle East Regional Cooperation (MERC) program, which fosters Arab-Israeli scientific cooperation through multi-year research grants on topics of regional development relevance.

If confirmed, I will encourage the USAID Middle East Bureau to continue what I understand are regular engagements with Israeli counterparts at all levels and to increase USAID-Israeli cooperation both within the region, and on other shared development priorities. If confirmed, I will personally engage and seek to build close, constructive relationships with Israeli Government colleagues, with whom I understand USAID already maintains regular contact and coordination to ensure Israeli input and support for USAID activities in the West Bank and Gaza.

Question. USAID has a significant bilateral program with Egypt. During your career you have been deeply critical of Egyptian President Abdel Fattah el-Sisi, and have specifically advocated cutting aid. In 2016 you wrote that it was imperative for the U.S. to "no longer be in the unseemly position of providing taxpayer largesse—however small in the grand scheme of things" to the Sisi Government. Your criticisms have been both pitched and have included predicting the collapse of the Government: in March 2020 you retweeted that "Egypt's Reich will also fall, but list fascist regimes before it."

- Do you believe that your comments about the Sisi Government in general will hinder your ability to work with Egyptian officials in the context of your role at USAID, if confirmed?

- What specific steps do you intend to take to engage Egyptian colleagues on issues of aid specifically, and more generally the U.S.-Egypt relationship, to mitigate potential complications from your public stances?

Answer. If confirmed, I commit to working with the Government of Egypt on shared development priorities and to proactively seek opportunities for engagement with Egyptian officials, the private sector, and civil society.

Answer. If confirmed, I intend to travel to Cairo to engage with USAID's key partner ministries within the Government of Egypt, including the Ministry of International Cooperation, along with nongovernmental stakeholders. I understand that leaders from USAID and other U.S. agencies recently met with Egyptian Government officials across multiple ministries to discuss the country's efforts to counter corruption. If confirmed, I would build on those discussions to support the reform efforts the country is already undertaking, as well as exploring opportunities to increase those efforts. Egypt's selection as the host for COP27 also offers several opportunities for engagement with Egyptian officials as the country prepares to host this highly visible international summit.

Question. You've said that the terrorist Muslim Brotherhood, which has been supported by Qatar and opposed by the Egyptian Government, is actually "not a terrorist movement." You have advocated withholding American aid on issues related to the Egyptian Government's efforts to suppress the Brotherhood. You have also been publicly supportive of the case of Salah Soltan, a Muslim-Brotherhood linked preacher imprisoned by the Egyptian Government on terrorism related charges. You've called his imprisonment "shortsighted and narrow policy." Meanwhile Soltan has said: "I travel all over the world, and I met supporters of Al-Aqsa, of the prisoners, of Jerusalem, and of Palestine—people who thirst for the blood of the Jews, and who are eager for the promised war against the sons of Zion, until Palestine is liberated in its entirety." He has also said "I want our brothers, and the whole world, to know what's going on these days, during Passover. Read Dr. Naghuib Al-Kilani's book, Blood for the Matzos of Zion. Every year, at this time, the Zionists kidnap several non-Muslims [sic]—Christians and others... By the way, this happened in a Jewish neighborhood in Damascus. They killed the French doctor, Toma, who used to treat the Jews and others for free, in order to spread Christianity. Even though he was their friend and they benefited from him the most, they took him on one of these holidays and slaughtered him, along with the nurse. Then they kneaded the matzos with the blood of Dr. Toma and his nurse . . . the world must know these facts about the Zionist entity and its terrible corrupt creed. The world should know this." Do you consider this statement genocidal? He has also said "Any Zionist—tourist or other—who enters Egypt must be killed. We will not kill tourists from any [other] country. We stress that this fatwa is directed only toward those Zionists, who destroyed our country, killed our people, and shed our blood on our land." Do you consider this statement antisemitic?

- If confirmed, do you commit not to withhold aid from Egypt, or advocate withholding aid in the context of USAID's role in the interagency process, related to Egypt's stance on the Muslim Brotherhood?

Answer. Any future decisions on withholding of funds would be policy decisions made through an interagency process that includes the White House and State Department. While I cannot anticipate future discussions on this matter, if confirmed, I commit to consulting with Congress about any decisions related to the withholding of USAID assistance to Egypt. To my knowledge, no USAID funds have been withheld to date related to Egypt's stance on the Muslim Brotherhood.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO DR. TAMARA COFMAN WITTES BY SENATOR BILL HAGERTY

Question. On *June 22, 2015,* in response to Senator Rubio's statement on then-Governor of South Carolina Nikki Haley's statement in support of removing the Confederate flag from the South Carolina statehouse grounds, you wrote on Twitter that "Rubio lauds Haley's leadership while revealing his own lack of same."

On *February 4, 2016,* you wrote on Twitter that the sight of Senator Sanders "shouting" is "so . . . unattractive."

On *January 11, 2017,* in response to Rex Tillerson's nomination hearing to be the U.S. Secretary of State, you wrote on your Twitter account (@tcwittes) that Senator James Risch was "making us all wonder why he bothered showing up to this hearing."

On *July 29, 2019,* you wrote on Twitter that Republicans are "transparent and servile" while referencing Senator Mitt Romney.

On *March 7, 2020,* you wrote on Twitter that Senator Ted Cruz "reveals himself (again) to be an ugly-hearted, small-minded, hateful human."

- Do you believe that you exercised sound temperament and good judgment when you posted these tweets on Twitter? I request you begin your answer with yes or no.

Answer. I sincerely regret any tweets or retweets that characterized others, including members of the Senate, in unkind terms. I apologize unreservedly. If confirmed, I assure you that I respect and intend to fully honor the fundamentally nonpartisan nature of USAID's activities. I believe that my long public record and my relationships and activities across the political spectrum make clear that these statements on Twitter do not represent how I engage in policy or politics. I want to assure you directly that, if confirmed to this position, I will always be respectful with those who have different views from my own and will hold myself to the highest of standards in such conduct.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO MICHAEL ALAN RATNEY BY SENATOR ROBERT MENENDEZ

Question. Please describe your role in approving or overseeing the OneVoice grant during your time as Consul General in Jerusalem, to include the timing and circumstances of OneVoice's absorption of other companies as it relates to the U.S. grant it received.

Answer. In September 2013, the State Department provided grants to two affiliates of "One Voice" to build grass roots support for a two-state solution to the Israeli-Palestinian conflict and for the U.S.-led negotiating process then underway. OneVoice, which still exists (http://www.onevoicemovement.org/), is a U.S.-based NGO that described itself at the time as "a global initiative that supports grassroots activists in Israel, Palestine, and internationally who are working to build the human infrastructure needed to create the necessary conditions for a just and negotiated resolution to the Israeli-Palestinian conflict." OneVoice had approached the State Department in the summer of 2013 as Secretary Kerry's Israeli-Palestinian peace efforts were gearing up with a proposal to support those efforts by building grassroots support among Israelis and Palestinians for the negotiating process. The initiative to support OneVoice's two local affiliates, OneVoice Israel and OneVoice Palestine, came from the team in Washington working with Secretary Kerry on Israeli-Palestinian negotiations. Execution and oversight of the grant agreements fell to the U.S. Embassy to Israel and the U.S. Consulate General in Jerusalem.

A grant was provided to OneVoice Israel, and a separate, smaller grant was provided to OneVoice Palestine. Day-to-day oversight of the OneVoice Palestine grant fell to the Public Affairs Section of the U.S. Consulate General in Jerusalem, which I led at the time as Consul General. In that capacity, I had overall responsibility for the work of the Public Affairs Section and met at least once with the leadership of OneVoice Palestine to discuss their work. Oversight of the OneVoice Israel grant fell to the U.S. Embassy to Israel. Dan Shapiro, then U.S. Ambassador to Israel, and I had our teams work closely with OneVoice Israel and OneVoice Palestine, respectively, to ensure that their activities didn't touch on sensitive final status issues like Jerusalem or borders and stuck instead to building more generic grassroots support for the negotiation effort.

The peace process effectively came to an end in March/April 2014. The grant agreements formally ended later in 2014, but by then, lacking any prospect of renewed negotiations, their work had lost relevance. We did not know it at the time, but OneVoice had decided at some point that their Israeli affiliate, OneVoice Israel, would absorb what had then been a small, though explicitly political, Israeli organization called V15 (for "Victory 15"). After the grant period ended, they would use the contact database developed by OneVoice Israel to support an initiative to build support for Israeli centrists who supported a two-state solution in the next Israeli elections. (The work of OneVoice Palestine, and the West Bank-focused grant that Consulate General Jerusalem oversaw, had no apparent relevance to this new effort.) In February 2016, the Senate Permanent Subcommittee on Investigations (PSI) undertook an inquiry into the connection between the State Department grants and V15's political activities. I met with the investigators.

The Senate PSI report concluded that "the Subcommittee found no evidence that OneVoice spent grant funds to influence the 2015 elections." The PSI report went on to state that "After the elections were called following the collapse of the peace negotiations, and after the State Department grant period ended, OneVoice shifted

its focus to influencing the electoral outcome by working to defeat incumbent Prime Minister Netanyahu. Planning for this effort began during the period when OneVoice was still a State Department grantee. OneVoice did not use State Department funds directly for political activities or seek State Department grants in anticipation of the Israeli elections, but it did use the campaign infrastructure and resources it had built in part with State Department funds, to support a campaign to defeat PM Netanyahu in the 2015 elections."

The Subcommittee did point out that State Department grant procedures did not prohibit the use of the database OneVoice Israel developed with USG funds for the later, political, purpose after the grant period was over, a possible weakness in contracting procedures. Although I was not involved in the OneVoice Israel grant, it is safe to say that if we had any inkling that USG resources would be used in this way, the USG would have terminated the relationship with OneVoice, a point I made in my interview with PSI investigators.

Question. Please describe the content of the email related to OneVoice that you discussed with the Senate Permanent Select Committee.

Answer. In late September 2014, about one month before the OneVoice Palestine grant period formally ended, I received an email from Marc Ginsberg, then CEO of One Voice, in which he was lamenting the low state of the peace process and complaining about some inflammatory and inappropriate comments President Abbas had made. I had known Ginsberg since the mid-1990s when I was assigned to the U.S. Consulate General in Casablanca and Ginsberg was U.S. Ambassador to Morocco. I had seen him very occasionally in the intervening years, and I met him a few times when he became involved with One Voice. After our exchange on Abbas, he said he was working on a "major strategy directed at centrist Israelis," and asked if I "would like to see a copy just for friendship's sake?" I agreed he could send it—which he apparently did—but I never focused on it, and nor do I recall ever reading the document.

When I was shown the strategy document by the PSI staff (which they apparently obtained from Ginsberg), it was completely unfamiliar. At the time, State Department IT staff urged employees to delete emails with large attachments lest we exceed inbox storage limits and stop receiving new messages. Ginsberg's strategy document was apparently among those emails I dispensed with. This was about five months after the Israeli-Palestinian negotiations ended, and according to Ginsberg, concerned "centrist Israelis," a constituency with which I had no role. This was not the sort of document I would spend time reading.

Anomalous Health Incidents

Question. I am very concerned about directed energy attacks on U.S. Government personnel (so-called Anomalous Health Incidents). Ensuring the safety and security of our personnel abroad falls largely on individual Chiefs of Mission and the response of officers at post. It is imperative that any individual who reports a suspected incident be responded to promptly, equitably, and compassionately.

- Do you agree these incidents must be taken seriously, and pose a threat to the health of U.S. personnel?

Answer. Yes. Anomalous health incidents that have affected the health of U.S. Government personnel are very troubling and must be taken seriously. I agree completely with Secretary Blinken that nothing is more important than the health and safety of our employees. These incidents affect the wellbeing of U.S. personnel serving their country abroad and must be taken extremely seriously. If confirmed, the health, safety, and security of the U.S. Mission to Saudi Arabia staff, their family members, and all those supporting the Mission will be my highest priority. This includes contributing to the extensive, ongoing interagency investigation into the cause of these incidents and how we can best protect our people. I will ensure that any reported Anomalous Health Incidents at the U.S. Mission to Saudi Arabia are responded to quickly and thoroughly.

Question. If confirmed, do you commit to ensuring that any reported incident is treated seriously and reported quickly through the appropriate channels, and that any affected individuals receive prompt access to medical care?

Answer. Yes. The Department has created a Health Incident Response Task Force charged with supporting employees who report symptoms of Anomalous Health Incidents. If confirmed, I commit to ensuring that all reported potential anomalous health incidents are given serious attention and reported swiftly through the appropriate channels. If confirmed, I will ensure that all employees and their family members at the U.S. Mission to Saudi Arabia are aware of Anomalous Health Incidents and the means to report them, as well as the availability of resources and

care. I will also ensure that staff who are affected by these incidents receive prompt access to the treatment, support, and medical care that they need.

Question. Do you commit to meeting with medical staff and the RSO at post to discuss any past reported incidents and ensure that all protocols are being followed?

Answer. Yes. If confirmed, I commit to meeting with medical staff and the Regional Security Office to discuss any reported anomalous health incidents so that I am most prepared to protect the safety of Mission Saudi Arabia and ensure that all protocols regarding anomalous health incidents are being followed appropriately, in consultation with the Department's Health Incident Response Task Force and the appropriate teams in the Bureau of Diplomatic Security and Bureau of Medical Services.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO MICHAEL ALAN RATNEY BY SENATOR JAMES E. RISCH

MIDDLE EAST AND NORTH AFRICA

Security Relationship

Question. According to the Carter Doctrine, as articulated in 1980, it is in the U.S.'s vital national interest to defend our Gulf partners against attacks that undermine their stability and sovereignty. Is it your understanding that the Carter Doctrine remains operative and is supported by the Biden administration?

Answer. It remains in the United States' vital national interest to help defend our Gulf partners—and to help our Gulf partners defend themselves—against external aggression. On February 4, 2021, in his first foreign policy speech, alongside announcing an end to U.S. support for Saudi-led coalition offensive operations in Yemen, President Biden reiterated the U.S. commitment to support Saudi Arabia's territorial defense.

The President and Secretary Biden have since reiterated this commitment multiple times, both publicly and in direct conversations with our Saudi partners. The administration continues to support arms transfers to Saudi Arabia for its legitimate defense needs, particularly to defend against incoming Houthi missile and drone attacks from Yemen, of which there were more than 400 in 2021. The United States also provides Saudi-funded technical assistance to certain Saudi security and law enforcement organizations.

If confirmed, I look forward to working with the departments and agencies of the Executive Branch and consulting transparently with Congress on arms sales to Saudi Arabia that are consistent with U.S. values and support Saudi Arabia's ability to defend itself.

Question. Saudi Arabia's territory, people, and infrastructure are under constant attack from Iranian-backed proxies, particularly in Yemen. Is the Administration committed to selling Saudi Arabia the military capabilities it needs to provide for its legitimate defense needs against Iran, irrespective of any artificial distinction that some are now making between offensive and defensive weapon systems?

Answer. Yes. The President and Secretary have been clear that the United States will continue to support Saudi Arabia's legitimate defensive needs in order to meet existing and emerging threats, including cross-border attacks from Yemen and elsewhere against targets inside Saudi Arabia—including the 70,000 U.S. citizens in Saudi Arabia.

U.S. arms transfers that bolster and replenish Saudi Arabia's defenses, particularly air defenses, are consistent with the Administration's pledge to lead with diplomacy to end the conflict in Yemen and to cease support for offensive operations in Yemen, while also ensuring Saudi Arabia has the means to defend itself from cross-border air attacks by the Iran-supported Houthis, of which there were more than 400 in 2021. The United States provides maintenance support to the Royal Saudi Air Force, so they are equipped to intercept the persistent drone and missile attacks on Saudi Arabia and to counter Iran.

If confirmed, I look forward to working with the departments and agencies of the Executive Branch and consulting transparently with Congress on arms sales to Saudi Arabia that are consistent with U.S. values and support Saudi Arabia's ability to defend itself.

Question. To what extent do you view the Houthis as a threat to Saudi Arabia? What steps, if any, is the Biden administration prepared to take to address this threat?

Answer. The Houthis launched more than 400 cross-border drone, missile, and explosive boat attacks against Saudi Arabia in 2021, and continued to launch attacks threatening or striking Saudi military, energy, and civilian infrastructure facilities through the first three months of 2022, before the parties to the Yemen conflict accepted the U.N.-brokered truce, now extended through August 2, 2022.

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The President and Secretary have been clear that the United States will continue to support Saudi Arabia's legitimate defensive needs in order to meet existing and emerging threats, including cross-border attacks from Yemen and elsewhere against targets inside Saudi Arabia—including the 70,000 U.S. citizens in Saudi Arabia.

If confirmed, I look forward to working with the departments and agencies of the Executive Branch and consulting transparently with Congress on arms sales to Saudi Arabia that are consistent with U.S. values and support Saudi Arabia's ability to defend itself.

Question. Are there opportunities to encourage greater defense cooperation between Israel and Saudi Arabia?

Answer. Saudi Arabia and Israel have many common regional interests, particularly countering the threats from Iran and Iranian-supported groups. These common interests present significant opportunities for greater cooperation between Israel and Saudi Arabia. If confirmed, I will work to encourage this cooperation, in coordination with the Department of Defense.

There's great interest in Congress in encouraging increased defense and security cooperation between Israel and its Arab neighbors, especially in the area of integrated regional defense against the growing threat of Iranian missiles and drones. The Saudis will be key to maximizing those efforts and should have as great an interest in such cooperation as any country in the region in light of the hundreds of Houthi missile and drone attacks that they've endured in recent years.

Question. Can you give us your assessment of the prospects for Saudi participation, and can you assure us that, in cooperation with CENTCOM, you'll make encouraging Saudi cooperation in such a multilateral effort one of your top priorities?

Answer. The United States has robust defense and security cooperation, both bilaterally and multilaterally, with the member states of the Gulf Cooperation Council and is seeking to deepen and expand this cooperation. In March 2022, the Department of Defense co-hosted U.S.-GCC working groups on air and missile defense and maritime security, in which Saudi Arabia participated and at which the United States reiterated its commitment to regional cooperation to confront our adversaries in the region, including Iran and Iran-supported groups.

Two member states of the GCC, Bahrain and the United Arab Emirates, have signed the Abraham Accords and are developing deeper cooperation with Israel in connection with those agreements. The other GCC members also have many common regional interests with Israel, particularly countering the threat from Iran and the aggressive behavior by Iran-supported groups. These common interests present significant opportunities for greater defense cooperation between Israel and its Arab neighbors, including Saudi Arabia. If confirmed, it will be a priority to encourage this important cooperation, in coordination with the Department of Defense.

Question. Are there opportunities to encourage greater defense cooperation between Israel and Saudi Arabia? If so, what are they?

Answer. Saudi Arabia and Israel have many common regional interests, particularly countering the threat from Iran and the aggressive behavior by Iran-supported groups. These common interests present significant opportunities for greater defense cooperation between Israel and Saudi Arabia. If confirmed, I will make it a priority to encourage this important cooperation, in coordination with the Department of Defense.

Question. Do you envision the current U.S. mediation of Egypt-Saudi-Israel talks on Red Sea islands as an initial step in a broader U.S. effort to help promote Saudi-Israel normalization, and if so, what additional steps do you think feasible/necessary?

Answer. As Secretary Blinken has said, normalizing relations with Israel is a decision each country has to make on its own. The administration supports normaliza-

tion by highlighting the tangible benefits of relations with Israel and leveraging the wide range of diplomatic tools at our disposal. The Abraham Accords have produced real benefits for people, including rapidly growing connections among businesses, students, and tourists and new opportunities for U.S. engagement and multilateral cooperation. The United States hopes that greater prosperity and new opportunities for cooperation will encourage other countries, including Saudi Arabia, to become part of the process.

Normalizing relations with Israel is in the best interest of the stability of the region and of Israel, whose security is of critical importance to the United States. Any substantive talks between Israel and its Arab neighbors are constructive towards those goals.

If confirmed, I look forward to working with Saudi Arabia to seek to expand the Abraham Accords.

Question. Short of full normalization, do you envision a U.S. role in helping facilitate initial Saudi-Israeli security cooperation against shared threats like Iranian missiles and drones?

Answer. Saudi Arabia and Israel have many common regional interests, particularly countering the threat from Iran and the aggressive behavior by Iran-supported groups. These common interests present significant opportunities for greater defense cooperation between Israel and Saudi Arabia, even short of full normalization. Given our important defense partnerships with both nations, the United States can indeed play a helpful role in encouraging and supporting such mutually beneficial cooperation. If confirmed, I will work to encourage security cooperation between Saudi Arabia and Israel, in coordination with the Department of Defense.

Vision 2030

Question. What is your evaluation of the historical significance of the social and economic reforms now underway in Saudi Arabia?

Answer. Under the banner of "Vision 2030"—a plan for reform of the Saudi economy and society—Saudi Arabia has announced it aims to diversify its economy by mobilizing more than $1 trillion in domestic and foreign direct investment in infrastructure, entertainment, tourism, industry, and other sectors. These changes present opportunities for both the United States and for the Saudi population. Many U.S. companies already have significant projects in development. For example, U.S. companies have recently concluded deals to construct factories in Saudi Arabia for electric vehicle manufacturing and green hydrogen production. Meanwhile, following social and economic reforms, women's participation rate in the workforce doubled from about 17 percent in 2017 to more than 35 percent at the end of 2021.

These reforms and changes are unlike anything in Saudi Arabia's history in their size and pace, but they are also incomplete. As the Department's most recent Human Rights Report details, Saudis continue to face a broad range of human rights abuses. Labor reforms have enabled many private sector expatriate workers to change jobs and obtain exit and re-entry visas after one year without their employer's permission. however, these advances do not apply to domestic workers. Despite their rising numbers in the workforce, most women still do not formally participate in the economy, and there remain legal inequalities in property and inheritance laws, as well as restrictions on marriage and maternal leave, despite recent positive reforms to the guardianship system. The implementation of legal reforms announced to date has been incomplete and uneven.

If confirmed, I will encourage Saudi Arabia to achieve the full potential of Vision 2030 and enact legal and policy reforms to respect and protect the human rights of all people.

Question. To what extent do you feel Vision 2030 and Saudi Arabia's parallel reform plan serve long-term U.S. interests?

Answer. Saudi Arabia's mobilization of more than $1 trillion in domestic and foreign direct investment is an economic opportunity for U.S. companies, many of which already have projects in development. U.S. companies have recently concluded deals to construct factories in Saudi Arabia for electric vehicle manufacturing and green hydrogen production.

If reforms are fully implemented and expanded, that will create increased economic and social opportunities for a generation of Saudi citizens, most notably Saudi women. The changes underway have potential to encourage the transformation of Saudi Arabia into a more open and dynamic society, further marginalize violent extremism and support regional stability, all of which would benefit the United States. Improvements in women's and labor rights, though incomplete, are inherently in the U.S. national interest; President Biden and Secretary Blinken have made clear that

human rights are central to U.S. foreign policy. If confirmed, I will encourage Saudi leaders to continue such reforms and expand and accelerate them.

Question. What should we be doing that we're not doing to help ensure those reforms succeed?

Answer. As Saudi Arabia embarks on its Vision 2030 program to diversify its economy and transform its society, there are opportunities for cooperation with the United States to support the advancement of the program's various reforms. Importantly, we must continue to engage on human rights and related concerns, including full equality for women and further reforms to protect human rights and fundamental freedoms.

A significant component of Vision 2030 is deploying renewable energy and advancing climate initiatives. Saudi Arabia has pledged to achieve 50 percent electricity generation capacity from renewables, plant 50 billion trees in the Middle East, divert 94 percent of rubbish from landfills, and have 30 percent of vehicles in Riyadh be electric by 2030. Saudi Arabia also joined the Global Methane Pledge to reduce global emissions of methane by 30 percent by 2030. Possible bilateral cooperation areas include U.S. clean technology (such as carbon capture), and technical and financial assistance to third countries on methane reduction and renewables deployment.

If confirmed, I look forward to identifying any gaps in U.S. policy and engagement and advancing additional cooperation initiatives between the United States and Saudi Arabia in support of both U.S. national interests and Saudi Arabia's Vision 2030 goals.

China

Question. What is the extent of Saudi Arabia's relationship with the Chinese firm Huawei in the area of 5G, and whether the Biden administration remains committed, as its predecessor was, to making it a top priority to stop Huawei from penetrating the telecom sectors of our most important international defense partners, including in the Gulf?

Answer. Saudi Arabia has one of the most highly developed telecommunications markets in the Middle East, with high mobile penetration and a saturated market. Huawei partners with Saudi mobile operators to provide 5G to dozens of cities, and Saudi Arabia is also a major importer of telecoms broadcasting equipment from the People's Republic of China (PRC).

The administration views 5G security as a high priority; countries and citizens need to be able to trust that 5G and other sensitive equipment and software will not introduce risks that threaten national security, privacy, or respect for human rights.

The United States raises its concerns with Saudi Arabia and other U.S. partners in the Gulf, including defense counterparts, over the PRC's role in 5G technology and sensitive infrastructure. The administration seeks to ensure that PRC influence and activities in the Middle East do not come at the expense of the region's prosperity, stability, and long-standing relationships with its global partners, including the United States.

If confirmed, I will reiterate these concerns to Saudi leaders and endeavor to dissuade them from considering untrustworthy and high-risk suppliers, regardless of national origin.

Question. There has been a lot of speculation in the press about Saudi cooperation with China to build ballistic missile facilities in the kingdom, as well as other reporting about the Saudis seeking help from Russia and China to help it build certain civilian nuclear capabilities. Without going into classified matters, how deep a concern is this kind of potential cooperation between the kingdom and our two main great power adversaries, and what will you do as ambassador to make sure it doesn't come to fruition?

Answer. The administration is very concerned with the potential for proliferation of missile technology in the Middle East and raises concerns with all partners and allies about a range of actions by Russia and the People's Republic of China that run counter to our values and interests.

The United States has long stressed its support for the responsible development of civil nuclear power in a manner consistent with the highest standards of safety, security, and nonproliferation. The administration has emphasized with all partners the importance of adhering to these standards in developing nuclear power programs.

Commensurate with the high importance of this issue, if confirmed, I will raise these concerns with Saudi officials and encourage adherence to the strongest nonproliferation standards.

Question. The Saudis are rapidly building a huge economic relationship with China at the same time China is fast becoming the most important economic lifeline for the regime in Tehran ostensibly the kingdom's number one security threat. Isn't it time that the Saudis began using more of their own economic leverage with China to stop the Chinese from strengthening their number one enemy in Iran? If the Saudis want us to put more pressure on Iran, shouldn't they be doing more as well? Can you assure us that one of your priorities will be encouraging the Saudis to put greater pressure on China to back off its strategic relationship with Iran?

Answer. The United States acknowledges that U.S. allies and partners in the Middle East, including Saudi Arabia, have complex relationships with the People's Republic of China (PRC). The PRC is now the top destination for Saudi crude oil exports, importing nearly $25 billion worth in 2020. As Secretary Blinken has said, the United States will not force our allies and partners into an "us-or-them" choice, preferring instead to navigate these challenges together.µ The administration seeks to ensure that Beijing's influence and activities in the Middle East do not come at the expense of the region's prosperity, stability, and long-standing relationships with its global partners, including the United States.

The United States and Saudi Arabia are of the same view that Iran's aggressive behavior poses the greatest threat to regional stability, which Saudi Arabia has acutely experienced, as it faced more than 400 missile and drone attacks launched against its territory in 2021 by the Iran-supported Houthis in Yemen. If confirmed, I will consult regularly with the Saudi Government on pursuing effective ways to deter Iran and its aggressive behavior in the region, including encouraging Saudi Arabia to press China to curb its troubling support to Iran.

Question. In light of Saudi concerns about Iran's nuclear program whether or not there is a nuclear deal, what else can, and should, the United States do to address Riyadh's concerns and rebuild trust in the bilateral U.S.-Saudi security partnership?

Answer. The United States has consulted regularly with Saudi Arabia and other Gulf Cooperation Council member states on the Administration's pursuit of a mutual return to full implementation of the Joint Cooperative Plan of Action as the best means of ensuring that Iran will not acquire a nuclear weapon. The U.S.-GCC working group on Iran met in Riyadh in November 2021 and condemned Iran's malign behavior through its support for proxies and other violent groups and direct use of advanced ballistic missiles, cruise missiles, and unmanned aircraft systems. The Department of Defense co-hosted U.S.-Gulf Cooperation Council working groups on air and missile defense and maritime security in March 2022 and reiterated the U.S. commitment to regional cooperation to confront our adversaries in the region, including Iran and Iran-supported groups.

The United States also is committed to supporting Saudi Arabia's territorial defense. In accordance with the relevant laws, the Administration supports arms transfers to Saudi Arabia to deter Iran and bolster Saudi defenses, particularly against incoming drone and missile attacks. If confirmed, I look forward to working with the departments and agencies of the Executive Branch and consulting transparently with Congress on arms sales to Saudi Arabia that are consistent with U.S. values and support Saudi Arabia's ability to defend itself.

President Biden's recently-announced trip to Saudi Arabia, including a multilateral meeting with GCC and other regional leaders, presents another opportunity to consult bilaterally and multilaterally on Iran and on security cooperation.

State Department Manangement and Public Diplomacy

Question. Many U.S. missions have been under enormous stress over the last few years, in large part due to COVID.

- What is your understanding of morale throughout Mission Riyadh?

Answer. U.S. diplomats and their families can encounter challenging conditions and environments overseas. For some, Saudi Arabia can be a difficult place to work and live. Prohibitions against alcohol and pork are strictly enforced, and there are more limited recreational options than can be found in the United States. In recognition of these conditions, all posts in Saudi Arabia receive 25 percent post differential, and most tours of duty are only two years. Many positions at U.S. Embassy Riyadh, U.S. Consulate General Jeddah, and U.S. Consulate General Dhahran are listed as hard-to-fill, indicating historically few employees have been interested in those positions.

However, many social restrictions in Saudi Arabia have eased over the past several years, with the introduction of public concerts, movie theaters, and lifting the ban on women driving. Morale at all three posts has significantly improved with the removal of Covid-related restrictions that had closed nearly all international travel from Saudi Arabia in 2020.

If confirmed as the Chief of Mission, my top priority will be the health, safety, and wellbeing of U.S. citizens in Saudi Arabia, including employees of the U.S. Mission and their families. I look forward to hearing directly from them about any challenges they face and how we can work to overcome or mitigate them.

Question. How do you intend to improve morale at Mission Riyadh?

Answer. If confirmed as the Chief of Mission, my top priority will be the health, safety, and wellbeing of U.S. citizens in Saudi Arabia, including employees of the U.S. Mission and their families. I will seek to ensure the Mission is a diverse, effective, cohesive, and respectful workplace that supports high employee morale. Employee and family member morale is often a function of multiple factors in both the workplace and the local society. In the workplace, morale is often of a function of clear communication, mutually respectful behavior, and a strong sense of mission and purpose driving the work we do. If confirmed, I expect to bring those values to my work leading the Mission. Outside the workplace, Saudi Arabia has certain social and weather conditions that make it a challenging place to live for some people. In recognition of the difficult conditions, all posts in Saudi Arabia receive 25 percent post differential, and most tours of duty are only two years. Money, however, only goes so far, so it would be incumbent on me as Ambassador to ensure that the mission is welcoming to mission families and creates a sense of community for our employees and their family members.

Question. How do you intend to create a unified mission and vision at Mission Riyadh?

Answer. The United States has important national security interests in Saudi Arabia, and it is critical that the entire Mission team understands those interests and their role in advancing them. If confirmed, I will ensure that all sections of the Embassy, and the Consulates General in Jeddah and Dhahran, receive clear, direct, and accurate communications and direction on both policy goals and internal procedures, in pursuit of achieving effective performance. I will ensure the Mission is a diverse, effective, cohesive, and respectful workplace that supports high employee morale. This will require my steady presence and interaction through the mission, including regular travel by me and our DCM to each of the Consulates and other mission elements.

With U.S. Embassy Sana'a operations still suspended and the Yemen Affairs Unit co-located with the U.S. Embassy in Riyadh, if confirmed, I will also coordinate closely on these issues with the U.S. Ambassador to Yemen.

Question. Management is a key responsibility for Chiefs of Mission. How would you describe your management style?

Answer. I believe in delegating authority, but not delegating ultimate responsibility. I need to depend on our experts, and they need to know I have their backs. Employees perform their best and achieve the most effective results when their leaders provide clear, direct, and accurate communications, particularly on expectations; establish and maintain a respectful and collaborative work environment; and provide them with the necessary support to propose new ideas and be confident that good-faith mistakes, while analyzed for improvement, will not be ridiculed. It is important that all members of the U.S. Mission in Saudi Arabia know their Chief of Mission will listen to their ideas and concerns while supporting them fully in their pursuit of U.S. policy goals.

Question. Do you believe it is ever acceptable or constructive to berate subordinates, either in public or private?

Answer. Absolutely not. Berating, yelling, or using aggressive language is never acceptable, under any circumstances, including when discussing performance or management issues. It is also a sign of weak, insecure leadership. Tolerating such behavior in subordinates is also unacceptable. If confirmed, I will ensure that the workplace at Mission Saudi Arabia is characterized by mutual respect among all our colleagues, starting with me, and encompassing every American, Local Staff member, Eligible Family Member, and contractor. The Department has deployed resources and tools in recent years to report instances of workplace bullying and toxic work environments. If confirmed, I will ensure that employees at the U.S. Mission in Saudi Arabia are aware of these resources and tools to report such unacceptable behavior, both within the Mission and to the appropriate offices within the Depart-

ment, and I will follow up personally to ensure any incidents are addressed and rectified.

Question. How do you envision your leadership relationship with your Deputy Chief of Mission?

Answer. Collaborative, honest, and mutually supportive. The Deputy Chief of Mission is a critical role in any mission, and it is essential that he or she receive the full support of the Chief of Mission. As the direct supervisor of most of an Embassy's section chiefs, the DCM serves as the conduit for information and decisions to reach the Ambassador, as well as communicating the Ambassador's priorities and decisions to the rest of the Mission and translating those into actions. I know firsthand from my experience while DCM at the U.S. Embassy in Doha, Qatar, that the DCM plays an indispensable role in fostering an effective Mission team.

Question. If confirmed, what leadership responsibilities do you intend to entrust to your Deputy Chief of Mission?

Answer. If confirmed, I plan to entrust the DCM with supervision of most day-to-day operational functions of the Mission, while ensuring that I support her or him however is necessary to create and maintain a diverse, effective, cohesive, and mutually respectful Mission team. As the direct supervisor of most of an Embassy's section chiefs, the DCM serves as the conduit for information and decisions to reach the Ambassador, as well as communicating my priorities and decisions to the rest of the Mission and translating those into actions.

I would also expect the DCM to mentor and guide the skills development of the newest members of the Mission and Department. And while the DCM's role is largely internal to the Mission, I would also expect him or her to be prepared to act in my stead during periods as Chargé and lead policy-focused discussions with Saudi officials, the private sector, and civil society, and representing the Embassy at public events.

In order to create and continue employee excellence at the Department, accurate and direct employee evaluation reports (EERs) for Foreign Service Officers are imperative, though often lacking.

Question. Do you believe that it is important to provide employees with accurate, constructive feedback on their performances in order to encourage improvement and reward those who most succeeded in their roles?

Answer. Yes. Constructive feedback that is clear, accurate, and direct is an integral part of encouraging high performance. If confirmed, I will commit to providing this feedback to employees at the U.S. Mission in Saudi Arabia, both through regular, mandatory performance review discussions and informal conversations. This is equally important for both addressing areas where employees can improve their performance and recognizing and rewarding those who are successfully advancing Mission goals.

Question. If confirmed, would you support and encourage clear, accurate, and direct feedback to employees in order to improve performance and reward high achievers?

Answer. Yes. Constructive feedback that is clear, accurate, and direct is an integral part of encouraging high performance. If confirmed, I will commit to providing this feedback to employees at the U.S. Mission in Saudi Arabia, both through regular, mandatory performance review discussions and informal conversations. This is equally important for both addressing areas where employees can improve their performance and recognizing and rewarding those who are successfully advancing Mission goals.

Answer. It is imperative that U.S. diplomats get outside of posts abroad to meet with local actors, including host government officials, non-government organizations, and fellow foreign diplomats stationed in Saudi Arabia.

Question. In your opinion, do U.S. diplomats get outside of our Embassy walls enough to accomplish fully their missions?

Answer. It is absolutely essential to the functions of U.S. embassies that our diplomats interact with host government officials, non-government organizations, fellow foreign diplomats, and the local population more broadly. The new tools that the Department has deployed over the course of the Covid-19 pandemic to accommodate working remotely have also ushered in new ways for us to engage with host country interlocutors. The U.S. Mission in Saudi Arabia moved more of its outreach online, which brought increased connections between Mission programs and people outside of the major urban centers, as the virtual format mandated by the pandemic equalized people's ability to participate.

Despite the benefits of online and virtual programming, much of a Mission's work requires that we still be physically present and conduct in-person meetings to be truly effective. At the same time, the health, safety, and security of U.S. citizens overseas, including those working in our foreign missions, is the Department's paramount priority. It is thus imperative that we appropriately and effectively balance the need to be active locally outside the Embassy with commensurate security and safety measures to sufficiently protect our people.

If confirmed, I will be committed to achieving that balance to ensure that the employees of the U.S. Mission in Saudi Arabia and their family members remain safe while also achieving our Mission goals through effective external outreach with local and international actors and institutions in Saudi Arabia.

Question. How do you intend to improve the ability of U.S. diplomats to better access all local populations?

Answer. It is absolutely essential to the accomplishment of a U.S. Mission's goals that our diplomats interact with host government officials, non-government organizations, fellow foreign diplomats, and the local population more broadly.

If confirmed, I will commit to achieving our Mission goals through external outreach with local actors and institutions, while ensuring that employees of the U.S. Mission in Saudi Arabia and their family members remain safe.µ

Question. Public diplomacy is an important aspect of U.S. foreign policy efforts. What is the public diplomacy environment like in Saudi Arabia?

Answer. The public diplomacy environment in Saudi Arabia is characterized by both challenges and opportunities. As noted in the Department's 2021 Country Report on Human Rights Practices for Saudi Arabia, there are serious restrictions on free expression and media, including unjustified arrests or prosecutions against journalists, and censorship. Security authorities actively monitor internet activity, with some human rights activists reporting government surveillance or blocking of internet and mobile phone access. Nongovernmental and civil society organizations, which can often be partners in public diplomacy programs, are severely restricted.

Saudi citizens are generally very active on social media, with more than 14 million Twitter users as of January 2022, out of a population of approximately 35 million. The U.S. Embassy Riyadh Twitter and Facebook pages each have more than 137,000 followers. Hundreds of thousands of Saudi citizens have received a U.S. education over the last decade, cultivating strong people-to-people connections between both countries. Saudi student enrollments at U.S. universities peaked at 61,000 in 2016, and reached 22,000 in 2021, despite the drop in international travel due to the Covid-19 pandemic.

Question. What public diplomacy challenges do U.S. diplomats face there?

Answer. The public diplomacy environment in Saudi Arabia is characterized by both challenges and opportunities. As noted in the Department's 2021 Country Report on Human Rights Practices for Saudi Arabia, there are serious restrictions on free expression and media, including unjustified arrests or prosecutions against journalists, and censorship. Security authorities actively monitor internet activity, with some human rights activists reporting government surveillance or blocking of internet and mobile phone access. Nongovernmental and civil society organizations, which can often be partners in public diplomacy programs, are severely restricted.

Security concerns also can limit the scope of some activities. The Department's travel advisory for Saudi Arabia currently recommends U.S. citizens reconsider travel to the country due to the threat of missile and drone attacks on civilian facilities, and that they exercise increased caution due to terrorism. U.S. Government personnel must adhere to travel restrictions as noted in the travel advisory, limiting the delivery of services, including consular assistance programs, within 50 miles of the Saudi-Yemen border and the cities of Abha, Jizan, Najran, and Khamis Mushayt, as well as the Eastern Province city of Qatif and its suburbs. Mission programming is also limited due to host country requirements in approving meeting requests, events, exchange programs, and other engagements, which can entail lengthy bureaucratic delays.

Question. How do you balance the importance of Main State versus the in-country mission when it comes to tailoring public diplomacy messages for foreign audiences?

Answer. Our public diplomacy messages must be tailored sufficiently to the local population so that our intent and meaning are understandable and effective, while ensuring they remain faithful to U.S. values and foreign policy priorities. In order to be effective, an embassy's public diplomacy messages must remain in close alignment with messages emanating from Washington. If confirmed, I will ensure that I, along with the U.S. Mission in Saudi Arabia's public diplomacy team, coordinate

all of our public messages with the respective teams at the Department to ensure they are advancing our overall U.S. foreign policy goals and objectives while crafting messages that will resonate with the local Saudi audience.

Question. "Anomalous health incidents", commonly referred to as "Havana Syndrome", have been debilitating and sidelining U.S. diplomats around the world for years. They have caused serious, negative consequences for U.S. diplomacy, yet many believe that the Department is not doing enough to care for, protect, and communicate to its personnel.

- If confirmed, do you commit to taking this threat seriously?

Answer. Yes. Anomalous health incidents that have affected U.S. Government personnel and their family members are very troubling and must be taken seriously. I agree completely with Secretary Blinken that nothing is more important than the health and safety of our employees. Serving one's country overseas should not come at the cost of one's health. If confirmed, I will ensure that any reported Anomalous Health Incidents at the U.S. Mission in Saudi Arabia are responded to quickly and thoroughly. If confirmed, the health, safety, and security of Embassy staff, their family members, and all those supporting the Mission will be my highest priority.

Question. If confirmed, do you commit to talking as openly as you can to Mission Riyadh personnel?

Answer. Yes. The Department has created a Health Incident Response Task Force charged with supporting employees who report symptoms of Anomalous Health Incidents. If confirmed, I will ensure that all employees and their family members at the U.S. Mission in Saudi Arabia are aware of Anomalous Health Incidents and the means to report them, as well as the availability of resources and care. If confirmed, I am committed to regularly share new information on this issue consistent with ensuring the integrity of ongoing investigations.

Question. In the State Department's 2021 Trafficking in Persons report, Saudi Arabia was upgraded to Tier 2 for its increased efforts to report on investigations, prosecutions, and convictions.

- If confirmed, how will you engage with the Saudi Government to capitalize on this positive progress?

Answer. There have been notable advancements in Saudi Arabia over the last few years in gender equality, trafficking-in-persons, and empowering those with disabilities. In 2021, Saudi Arabia reported more trafficking investigations, prosecutions and convictions and expanded its provision of services to TIP victims. As a sign of this progress, Saudi Arabia was upgraded from Tier 2 Watch List to Tier 2 in the Department's annual Trafficking in Persons Report in 2021.

This is important progress, although more remains to be done. If confirmed, I will engage with the appropriate Saudi authorities, including the Human Rights Commission, to solidify this progress and work with them on additional improvements, such as expanding protections to domestic workers, which was a priority recommendation in the 2021 TIP Report. Such priority recommendations highlight key efforts necessary for a country to better meet the minimum standards in the U.S. Trafficking Victims Protection Act (TVPA) and is part of the assessment to determine a Tier ranking.

Question. In the State Department's 2021 International Religious Freedom Report, Saudi Arabia was noted as having quite severe violations of religious freedom and little societal respect for religious minorities.

- What is your assessment of this particular issue and if confirmed, how will you work with the Ambassador-at-Large to bolster religious freedom in-country?

Answer. The Department's 2021 International Religious Freedom Report noted severe issues with religious freedom in Saudi Arabia. There have also been advancements, such as the redeployment and reduced authorities of the religious police, the removal of inflammatory content about non-Muslims in Saudi school textbooks, growing acceptance of non-Islamic celebrations, and the Muslim World League, a Saudi Government-funded religious affairs entity, hosting an interfaith dialogue in May 2022 that attracted more than 100 religious leaders, including a dozen rabbis. However, there is clearly more work to be done on this in Saudi Arabia, for which the United States should strongly advocate.

Senior U.S. officials routinely raise and discuss reports of abuses of religious freedom, arbitrary arrests and detentions, enforcement of discriminatory laws against religious minorities, and promotion of respect and tolerance for minority Muslim and non-Muslim religious practices and beliefs.

If confirmed, I will help address religiously motivated abuses, harassment, and discrimination in Saudi Arabia. I will work with the Ambassador-at-Large for International Religious Freedom to recommend, develop, and implement policies and programs to address these concerns.

Question. Do you commit to raising this issue directly with the host government and with the Human Rights Commission in country?

Answer. Yes. The State Department aims to promote core U.S. values of tolerance, respect for diversity, and religious freedom.µ This is an important aspect of our ongoing engagement with the Saudi Government. Senior U.S. officials routinely raise and discuss reports of abuses of religious freedom, arbitrary arrests and detentions, enforcement of discriminatory laws against religious minorities, and promotion of respect and tolerance for minority Muslim and non-Muslim religious practices and beliefs.

If confirmed, I will help address religiously motivated abuses, harassment, and discrimination in Saudi Arabia, and I will raise concerns over religious freedom directly with Saudi officials, including those from the Saudi Human Rights Commission.

Question. Saudi Arabia has been designated as a "country of particular concern (CPC)" under the International Religious Freedom Act of 1998 since 2004. The Secretary recently reaffirmed this designation but waived sanctions for national security interests.

- What steps can you take, if confirmed, to graduate Saudi Arabia from the CPC list and bolster societal and governmental respect for religious freedom on the ground?

Answer. The Department's 2021 International Religious Freedom Report noted severe issues with religious freedom in Saudi Arabia. There have also been advancements, such as the redeployment and reduced authorities of the religious police, removal of some inflammatory content about non-Muslims in Saudi school textbooks, and the Muslim World League, a Saudi Government-funded religious affairs entity, hosting an interfaith dialogue in May 2022 that attracted more than 100 religious leaders, including a dozen rabbis. However, there is clearly more work to be done on this in Saudi Arabia, for which the United States should strongly advocate.

If confirmed, I will raise concerns over religious freedom directly with Saudi officials, including those from the Saudi Human Rights Commission, and work with them on recommendations for bolstering societal and governmental respect for religious freedom that, if successfully implemented, could see Saudi Arabia no longer designated as a country of particular concern under the International Religious Freedom Act.

Question. In the State Department's 2021 Human Rights Report, Saudi Arabia's list of human rights issues was quite long, but included allegations of torture, reports of political prisoners and detainees, harassment of dissidents abroad, restrictions on internationally recognized human rights, a lack of internet freedom, among other concerning issues.

- If confirmed, what steps will you take to continue to address these instances with the host government?

Answer. President Biden and Secretary Blinken have been clear that human rights are a central tenet of our foreign policy, including in our bilateral relationship with Saudi Arabia. The Secretary and other U.S. officials have consistently raised specific human rights cases and broader human rights concerns in almost every senior meeting and call, whether in Riyadh or Washington, including urging the release of detained human rights activists and lifting of travel bans and other restrictions for activists previously released from detention.

If confirmed, I will prioritize addressing these concerns, and I will not shy away from raising these issues at the most senior levels.

Question. How will you direct your Embassy to work with civil society organizations to improve the human rights situation on the ground?

Answer. As noted in the Department's 2021 Country Report on Human Rights Practices for Saudi Arabia, nongovernmental and civil society organizations are severely restricted. Civil society organizations independent from the government essentially do not exist.

There are many aspects of Saudi Arabia's human rights record that remain troubling, particularly severe restrictions on freedom of expression and political activism, censorship, and other issues. There has also been progress, albeit uneven and

incomplete, on women's, labor, and disability rights and actions to combat trafficking in persons.

If confirmed, I will press for the full resolution of the cases of U.S. nationals and others detained for peaceful activism, including lifting of travel bans and other restrictions. I, and the broader team at the U.S. Mission in Saudi Arabia, will keep pushing at every opportunity to make progress on broader reforms to protect freedom of expression, improve judicial transparency, and expand the rights of women, and keep standing with human rights defenders.

Question. Do you commit to raising these issues personally with the host government?

Answer. Yes. President Biden and Secretary Blinken have been clear that human rights are a central tenet of our foreign policy, including in our bilateral relationship with Saudi Arabia. If confirmed, I will prioritize addressing these concerns, and I will not shy away from raising these issues at the most senior levels.

Question. U.S. citizen Dr. Walid Fitaihi remains under a travel ban in Saudi Arabia after serving a prison sentence.

- How will you work to advocate for the lifting of the travel ban for Dr. Fitaihi?

Answer. The safety and security of U.S. citizens overseas is the Department's paramount priority. After sustained and consistent engagement by the U.S. Government pressing Saudi authorities to resolve his case, Dr. Walid Fitaihi's sentence was reduced to time served in January 2021, with no return to prison. However, he remains subject to a travel ban.

The Secretary and other U.S. officials have consistently raised his case and those of other detained human rights activists, as well as broader human rights concerns, in almost every senior meeting and call, whether in Riyadh or Washington, including urging the release of detained activists and lifting of travel bans and other restrictions for those, like Dr. Fitaihi, previously released from detention.

Along with Department leaders, if confirmed, I will raise concerns over the detention of U.S. citizens, including those released but subject to travel bans, and those detained for peacefully advocating for freedom of expression and religion. As the Department has repeatedly made clear to Saudi officials, promoting and advocating for human rights should be commended, not criminalized.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO MICHAEL ALAN RATNEY BY SENATOR MARCO RUBIO

Question. When running for President, Joe Biden famously said he would turn Saudi Arabia into a "pariah state" and, since coming into office, actively enacted this policy. The results are plain to see: Saudi Arabia detains American citizens, does not cooperate with American-led international energy strategies, and may even be open to cooperating with our chief geopolitical adversary, the Chinese Communist Party. If confirmed, you have a long road ahead of you to restore the U.S.-Saudi Arabian partnership.

- Do you believe that the President's decision to visit Saudi Arabia next month, for the first time since becoming President, is an admission that his "pariah state" strategy has not worked?

Answer. At its outset, the Administration decided that it was important to reorient—but not rupture—relations with Saudi Arabia, including elevating human rights as a priority in the bilateral relationship. The United States shares a host of interests with Saudi Arabia, from containing Iran, to counterterrorism, to helping Saudi Arabia protect its territory, to achieving the recent extension of the truce in Yemen, which has saved countless lives.

The administration's agenda with Saudi Arabia is focused on delivering results for the American people. The United States consults regularly on energy issues with Saudi Arabia which demonstrated leadership earlier in June when it achieved consensus for accelerating quota increases, the largest of which is for increased Saudi production.

The United States raises concerns with all partners and allies, including Saudi Arabia, about the range of People's Republic of China (PRC) actions that run counter to our values and interests and undermine the international rules-based order. Saudi Arabia states that the United States is its most important bilateral partner, including in the defense realm, and Saudi Arabia is not a major consumer of PRC defense systems.

The Secretary and other U.S. officials have consistently raised human rights concerns in almost every senior meeting and call, whether in Riyadh or Washington. There has been some progress on cases of detained U.S. citizens, and the Department's efforts likely influenced decisions within the past year to conditionally release several U.S. citizens from detention. But this has been incomplete; those activists who have been released remain under a combination of travel bans, communications restrictions, and asset freezes.

If confirmed, I will advocate at every opportunity for the lifting of travel bans and other restrictions on U.S. citizens and other peaceful activists; as well as pressing for broader human rights reforms that protect freedom of expression, improve judicial transparency, and expand the rights of women, while standing with human rights defenders.

Question. If confirmed, what will you do to secure the release of American citizens wrongfully detained in Saudi Arabia?

Answer. The Department's top priority is the safety and welfare of U.S. citizens, including those who are detained—wrongfully or not—or unable to depart a foreign country. The Secretary and other Department leaders have consistently raised U.S. national detention cases with their Saudi counterparts and urged them to lift the travel bans and fully resolve these cases.

Along with Department leaders, if confirmed, I would raise concerns over the detention of U.S. nationals including any detained for peacefully exercising their rights to freedom of expression and religion or belief. Moreover, I will encourage Saudi Arabia to enact legal and policy reforms that respect the human rights of all people. As the Department has repeatedly made clear to Saudi officials, promoting and advocating for human rights should be commended, not criminalized.

Question. If confirmed, will you recommend the United States continue to provide robust support for Saudi efforts to protect themselves from attacks on Saudi civilians by the Houthi terrorist group in Yemen?

Answer. If confirmed, I will recommend the United States continue to provide support for Saudi efforts to defend its territory and civilians from Houthi cross-border attacks. The President and Secretary have been clear that the United States will continue to support Saudi Arabia's legitimate defensive needs in order to meet existing and emerging threats, including cross-border attacks from Yemen and elsewhere against targets inside Saudi Arabia—including the 70,000 U.S. citizens in Saudi Arabia.

U.S. arms transfers that bolster and replenish Saudi Arabia's defenses, particularly air defenses, are consistent with the Administration's pledge to lead with diplomacy to end the conflict in Yemen and to end support for Saudi-led coalition offensive operations in Yemen, while also ensuring Saudi Arabia has the means to defend itself from air attacks by the Iranian supported Houthis. If confirmed, I look forward to working with the departments and agencies of the Executive Branch and consulting transparently with Congress on arms sales to Saudi Arabia that are consistent with U.S. values and support Saudi Arabia's ability to defend itself.

Both Israel and Saudi Arabia are critical security partners of the United States. It is in our interest to promote the normalization of relations between the two countries. To date, Saudi Arabia has not joined the Abraham Accords.

Question. Under what circumstances might the kingdom's rulers embrace a more overtly cooperative relationship with Israel?

Answer. Saudi Arabia and Israel have many common regional interests, including countering the threats from Iran and Iranian-supported armed groups, as well benefiting from opportunities presented by greater regional economic integration. These common interests present significant opportunities for greater cooperation between Israel and Saudi Arabia.

As President Biden has said, this administration welcomes and supports the Abraham Accords and normalization agreements between Israel and Arab and Muslim-majority countries. If confirmed, I will work to expand cooperation and opportunities among countries in the region, including strong support for expanding and deepening the Abraham Accords.

Question. What factors do you believe shape Saudi decision-making on this issue?

Answer. There are undoubtedly numerous factors, including regional threat perceptions, economic opportunities, as well the Palestinian issue. For example, Saudi Arabia continues to support the Arab Peace Initiative, which it introduced at the 2002 Arab summit and that calls for normalization of relations between Israel and Arab countries, including Saudi Arabia, in exchange for Israeli recognition of an independent Palestinian state, among other conditions.

Saudi Arabia has stated it fully supports the Biden-Harris administration's approach to advance equal measures of freedom, prosperity, and dignity for Israelis and Palestinians in the immediate term, and keeping the door open for achievement of a negotiated two-state solution in the longer term, as this remains the best way to ensure Israel's future as a democratic and Jewish state while enabling the Palestinian people to live with dignity and security in a viable state of their own.

As President Biden has said, this administration welcomes and supports the Abraham Accords and normalization agreements between Israel and Arab and Muslim-majority countries. If confirmed, I will work to expand cooperation among countries in the region, including support for the Abraham Accords.

Question. If confirmed, what will you do to promote normalization between Riyadh and Jerusalem?

Answer. As Secretary Blinken has said, normalizing relations with Israel is a decision each country has to make on its own. The administration supports normalization by highlighting the tangible benefits of relations with Israel and leveraging the wide range of diplomatic tools at our disposal. The Abraham Accords have produced real benefits, including rapidly growing connections between businesses, students, and tourists. The United States hopes that this prosperity will encourage other countries, including Saudi Arabia, to advance the process.

Normalizing relations with Israel is in the best interest of the stability of the region and for Israel, whose security is of critical importance to the United States. If confirmed, I look forward to working with Saudi Arabia to seek to expand the Abraham Accords.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO MICHAEL ALAN RATNEY BY SENATOR BILL HAGERTY

On the Retention of Official State Department Emails Related to OneVoice

Question. During your Senate Foreign Relations Committee nominations hearing on June 16, 2022, we examined your oversight of the OneVoice grant applications and retention of official State Department emails related to the matter. In response to my question on whether you dispute what was reported in the findings that you deleted emails related to the review of these One Voice grants, you said there was "a systemic issue associated with records management at the State Department that has since been addressed. There was no routine method. There was no routine way at that time to archive all of the routine emails that the State Department sent and received. That has since been remedied as well through changes in policy and changes in technology."

The Staff Report from the Senate Committee on Homeland Security and Governmental Affairs Permanent Subcommittee on Investigations, however, found that:

> The State Department was unable to produce all documents responsive to the Subcommittee's requests due to its failure to retain complete email records of Michael Ratney, who served as U.S. Consul General in Jerusalem during the award and oversight of the OneVoice grants. The Subcommittee discovered this retention problem because one important email exchange between OneVoice and Mr. Ratney—described in Part III.C—was produced to the Subcommittee only by OneVoice. After conducting additional searches, the Department informed the Subcommittee that it was unable to locate any responsive emails from Mr. Ratney's inbox or sent mail. Mr. Ratney later elaborated, "[A]t times I deleted emails with attachments I didn't need in order to maintain my inbox under the storage limit." There was an option to archive emails to stay below storage limits, but Mr. Ratney stated that he "did not know [he] was required to archive routine emails" (emphasis added).

- Mr. Ratney, the Permanent Subcommittee on Investigations found although you stated you did not know there was a requirement to archive emails, there was, in fact, an option to archive emails. Would you like to amend your answer provided during your nominations hearing that there was no option to archive emails at the State Department?

Answer. It would be more accurate to say that "I was unaware of any routine way at that time to archive all of the routine emails that the State Department sent and received." It is not clear what the "option to archive emails" mentioned in the Subcommittee report refers to. I do clearly recall, as do others working at the Department at the time, that we were routinely urged to delete emails with large attach-

ments in order to stay under inbox limits. The following Department press guidance that was prepared following release of the subcommittee report in 2016 noted the systemic nature of the challenge we faced:

> On the record attributable to State Department Spokesperson Mark Toner: The Department cooperated with the Senate's investigation, which found no wrongdoing. As is made clear in the report itself, Mr. Ratney was working under State Department IT limitations with regard to the size of his inbox, and his deletion was content-neutral housekeeping, not an attempt to purge emails on any specific topic. The Department recognizes that we need to provide better tools to our employees to assist with records management. Secretary Kerry appointed Janice Jacobs as Transparency Coordinator to help us address these challenges. Beyond that, we are focused on implementing a system that meets NARA requirements for the management of records in an electronic format. We are in the process of purchasing new technology for records management to meet the OMB/NARA directed deadline for U.S. Government agencies to manage email records electronically by the end of 2016."

If confirmed, I will ensure that the U.S. Mission in Saudi Arabia and all its staff—including me personally—follow all applicable laws and regulations with regards to Federal records management.

On Saudi Coalition Airstrikes

Question. What is the percent increase or decrease in year-over-year civilian casualties from Saudi coalition airstrikes in Yemen? Please provide a specific timeframe and percentage change. The aggregate numbers would be helpful if available.

Answer. The U.N. Civilian Impact Monitoring Project (CIMP) noted in its 2021 annual report that "for the third year running, the number of civilian casualties on account of airstrikes decreased, down to 185, with a two-month hiatus in airstrike casualties seen in July and August 2021." The 2020 CIMP annual report noted that "since the Stockholm Agreement at the end of 2018, the number of civilian casualties on account of airstrikes has seen a significant reduction." CIMP reported 2,504 civilian casualties from airstrikes in 2018, 796 in 2019, and 216 in 2020. Per the U.N. data, civilian casualties from airstrikes dropped by 68 percent from 2018 to 2019, another 73 percent from 2019 to 2021, and a further 14 percent from 2020 to 2021. Overall, from 2018 to 2021, civilian casualties from airstrikes fell by about 93 percent. There was an increase in civilian casualties during the early months of 2022, driven largely by a mass civilian casualty incident in January; however, there have not been any reports of civilian casualties due to air strikes since the truce took effect in April. Airstrikes were responsible for only 7 percent of all civilian casualties in 2021, according to CIMP.

Question. Please provide a detailed explanation for any change. If there was a significant reduction in civilian casualties from Saudi coalition airstrikes, what explains the change? Was it improved procedures, changes on the battlefield, and/or other considerations?

Answer. There are likely several factors that have influenced the reduction in civilian casualty incidents from airstrikes over the past several years. These include changes in the nature of the conflict and also may involve improvements in aircrew proficiency, improved rules of engagement specifically regarding airstrikes, and U.S.-provided training related to civilian casualty mitigation.

Without visibility on all Saudi strike planning processes and with U.S. Embassy Sana'a operations suspended, it is challenging to establish a definitive causal link between U.S. training and engagement with the RSAF and the dramatic reductions in civilian casualty incidents since 2018. However, the United States is the only country offering sustained, intensive training over multiple years on civilian casualty mitigation to the RSAF. The Department is in constant contact with Saudi Arabia about the need to avoid and mitigate civilian casualties and has urged Saudi transparency and accountability regarding civilian casualty incidents both privately and publicly. We do not just encourage improvements in operational procedures, but also urge thorough and transparent investigations be conducted after any incidents. Based on these factors, it is very likely that U.S. efforts have played an important role in positively influencing Saudi actions.

Question. What are the Saudi Government's views of industrial-scale drug trafficking of captagon by the Assad regime in Syria and Hizballah into the Kingdom of Saudi Arabia?

Answer. The Saudi Government is deeply concerned about the increasing volumes of Captagon flowing into the Kingdom, mainly originating in Lebanon and Syria.

Captagon now constitutes the Kingdom's largest drug problem, and in 2021, Saudi Arabia stated that it had seized approximately 190 million Captagon pills. Saudi Arabia recognizes that drug revenues may reach terrorist organizations and contribute to regional instability and insecurity, while Captagon trafficking also presents social consequences and a security challenge. In response to the threat, the Saudi Government has taken measures to halt the flow. After repeatedly interdicting Captagon pills smuggled in Lebanese produce, the Saudi Government banned produce imports from Lebanon in April 2021 and then all Lebanese imports in October 2021, contributing to a serious deterioration in Saudi-Lebanese relations, that only in recent months has moderately improved. Law enforcement authorities in the Kingdom are working with their U.S. counterparts on information sharing arrangements that could increase Captagon interdiction. If confirmed, I look forward to working with Saudi Arabia to combat the flow of Captagon into the Kingdom. The Department would be happy to provide you with more information in a classified setting if that would be helpful.

Question. Do you assess that scheme to allow for the delivery of gas through Syria into Lebanon—despite the provisions in the Caesar Syria Civilian Protection Act—would benefit the Assad regime in Syria?

Answer. The administration is strongly committed to holding the Assad regime accountable for its actions and appreciates the tool to do so that Congress has provided in the form of the Caesar Act. The Administration is also deeply concerned about the prospect of state collapse in Lebanon, where the lack of fuel and power threatens the delivery of critical services like health care and water. We continue to work with the parties to the regional proposals to sell Egyptian gas and Jordanian electricity to Lebanon, as well as the World Bank, to ensure that these deals, which are fundamentally about providing Lebanon with more sustainable energy sources, would not involve any financial payments to Assad that would violate our sanctions laws. The Department of State and the Treasury Department's Office of Foreign Assets Control (OFAC) are working together to ensure that the proposals fully comport with U.S. sanctions, including the Caesar Act. The U.S. sanctions regime targeting the Assad Government remains fully in force, and as Secretary Blinken has made clear, we have not lifted or waived Syria-related sanctions in this case, and the U.S. remains committed to applying additional sanctions against the Syrian regime in the future, as appropriate. The Department would be happy to provide you with more information in a classified setting if that would be helpful.

Question. Do you believe that Saudi Government supports energy schemes that would render either gas or gas revenue to the Assad regime in Syria and Hizballah, both of which are involved in the industrial-scale drug trafficking of captagon into the Kingdom of Saudi Arabia?

Answer. If confirmed, I look forward to working with Saudi Arabia to both combat the flow of Captagon into the Kingdom and to preventing any arrangements designed to relieve the energy and economic crisis in Lebanon from providing any benefit to the Assad regime or Lebanese Hizballah that would be in violation of U.S. sanctions. The United States consults regularly on both regional and energy issues with Saudi Arabia. The United States is deeply concerned about the prospect of state collapse in Lebanon, where the lack of fuel and power threatens the delivery of critical services like health care and water to the Lebanese people. Regional proposals to sell Egyptian gas and Jordanian electricity to Lebanon would not involve any financial payments to Assad or Hizballah. The Department would be happy to provide you with more information in a classified setting if that would be helpful.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO TIMMY T. DAVIS BY SENATOR ROBERT MENENDEZ

Anomalous Health Incidents

Question. I am very concerned about directed energy attacks on U.S. Government personnel (so-called Anomalous Health Incidents). Ensuring the safety and security of our personnel abroad falls largely on individual Chiefs of Mission and the response of officers at post. It is imperative that any individual who reports a suspected incident be responded to promptly, equitably, and compassionately.

- Do you agree these incidents must be taken seriously, and pose a threat to the health of U.S. personnel?

Answer. Yes. Anomalous health incidents that have endangered the health of U.S. Government personnel are very troubling and must be taken seriously. I agree com-

pletely with Secretary Blinken that nothing is more important than the health and safety of our employees. If confirmed, I would ensure that any reported Anomalous Health Incidents at U.S. Mission Qatar are responded to quickly and thoroughly.

Question. If confirmed, do you commit to ensuring that any reported incident is treated seriously and reported quickly through the appropriate channels, and that any affected individuals receive prompt access to medical care?

Answer. Yes. The Department has created a Health Incident Response Task Force charged with supporting employees who report Anomalous Health Incidents. If confirmed, I would ensure that all employees and their family members at U.S. Mission Qatar are aware of Anomalous Health Incidents and the means to report them, as well as the availability of resources and care. I commit to reporting any incidents quickly through the appropriate channels and to referring them promptly to the appropriate medical care.

Question. Do you commit to meeting with medical staff and the RSO at post to discuss any past reported incidents and ensure that all protocols are being followed?

Answer. Yes. If confirmed, I would commit to meeting with medical staff and the Regional Security Office to discuss any past reported incidents and ensure that all protocols are being followed, in consultation with the Department's Health Incident Response Task Force and the appropriate teams in the Bureau of Diplomatic Security and Bureau of Medical Services.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO TIMMY T. DAVIS BY SENATOR JAMES E. RISCH

Question. What, if anything, can/should the United States be doing to ensure Qatari LNG can help Europe transition away from its dependence on Russian natural gas?

Answer. The United States is encouraging Qatar's discussions with European partners about potential LNG supply. Additionally, QatarEnergy is considering several U.S. companies as potential partners to develop Qatar's North Field East LNG field. This LNG expansion project is expected to boost Qatar's LNG output by 64 percent by 2027 and supply many of the new LNG contracts Qatar is discussing with European partners.

Question. Should the United States demand changes in Qatari policy as a condition for helping strengthen regional cooperation with other U.S. Gulf partners?

Answer. The United States welcomed the historic breakthrough made with the Al Ula Declaration at the GCC summit by Qatar and Bahrain, Egypt, Saudi Arabia, and the UAE. The decision to open their mutual borders, lift transportation restrictions, and restore diplomatic relations was a welcome step. My understanding is that the United States remains supportive of continued reconciliation, and it continues to identify areas of potential cooperation on which our partners can make incremental progress.

Many U.S. missions have been under enormous stress over the last few years, in large part due to COVID.

Question. What is your understanding of morale throughout Mission Doha?

Answer. Mission Doha played a significant role in the Non-Combatant Evacuation Operation from Afghanistan in August 2021, which was a challenging time for diplomats and local staff. Continued Afghanistan operations in Qatar have required further Embassy engagement and support, stretching resources in a post that has been without an Ambassador since 2017. The COVID–19 pandemic also caused stress to the mission. Throughout these challenges, Mission Doha has remained a tight knit community.

Question. How do you intend to improve morale at Mission Doha?

Answer. From day one, I would underscore the importance to Mission Qatar employees of their work in Qatar and the value of their service to our country. Secondly, having a confirmed Ambassador allows better leadership and oversight, as everyone else down the chain of command can return to their normal jobs. Finally, the Department has developed and deployed resources and tools in recent years, including mental health resources, that I would take full advantage of in supporting our team at Mission Qatar.

Question. How do you intend to create a unified mission and vision at Mission Doha?

Answer. U.S. Embassy Doha, the Afghanistan Affairs Unit, and the team supporting Afghan relocation efforts in Doha already work closely together to advance U.S. interests in a unified way. If confirmed, I would continue to strengthen that exemplary teamwork. I would also develop a strategic vision for the bilateral relationship that will foster a unity of purpose within the Mission.

Question. Management is a key responsibility for Chiefs of Mission. How would you describe your management style?

Answer. I believe in inclusiveness, promoting good ideas, and teamwork. It is important that the team at Mission Qatar knows that their safety and security is my highest priority and that I share a clear vision for policy success with clear expectations. My management style is based on maximum responsibility for me as the leader, and maximum credit for the team.

Question. Do you believe it is ever acceptable or constructive to berate subordinates, either in public or private?

Answer. No. Berating, yelling, or using aggressive language is never acceptable, under any circumstances, including when discussing performance or management issues. If confirmed, I would neither use such unacceptable methods or language in discussions with employees, nor would I tolerate those under my supervision using such methods or language. The Department has deployed resources and tools in recent years to report instances of workplace bullying and toxic work environments. If confirmed, I would ensure that employees at Mission Qatar are aware of these resources and tools to report such unacceptable behavior, both within the Mission and to the appropriate offices within the Department, and I would follow up to ensure any incidents are addressed and rectified.

Question. How do you envision your leadership relationship with your Deputy Chief of Mission?

Answer. The Deputy Chief of Mission (DCM) is a critical role in any mission, and it is essential that he or she receive the full support of the Chief of Mission. Embassy Doha has an excellent DCM in Natalie Baker, who has served in leadership roles on some of our top foreign policy priorities. If confirmed, I would support DCM Baker (and any other DCM) and fully empower her to foster an effective Mission team.

Question. If confirmed, what leadership responsibilities do you intend to entrust to your Deputy Chief of Mission?

Answer. As the direct supervisor of most of an Embassy's section chiefs, the DCM serves as the conduit for information and decisions to reach the Ambassador, as well as communicating the Ambassador's priorities and decisions to the rest of the Mission and translating those into actions. If confirmed, I plan to entrust the DCM with supervision of most day-to-day operational functions of the Mission, while ensuring that I support her in appropriate ways to create and maintain a diverse, effective, cohesive, and respectful Mission team.

In order to create and continue employee excellence at the Department, accurate and direct employee evaluation reports (EERs) for Foreign Service Officers are imperative, though often lacking.

Question. Do you believe that it is important to provide employees with accurate, constructive feedback on their performances in order to encourage improvement and reward those who most succeeded in their roles?

Answer. Yes. Constructive feedback that is clear, accurate, and direct is an integral part of encouraging high performance. If confirmed, I would commit to providing this feedback to employees at U.S. Mission Qatar, both through regular, mandatory performance review discussions and informal conversations. This is equally important for both addressing areas where employees can improve their performance and recognizing and rewarding those who are successfully advancing Mission goals.

Question. If confirmed, would you support and encourage clear, accurate, and direct feedback to employees in order to improve performance and reward high achievers?

Answer. Yes. If confirmed, I would commit to providing this feedback to employees at U.S. Mission Qatar, both through regular, mandatory performance review discussions and informal conversations.

It is imperative that U.S. diplomats get outside of posts abroad to meet with local actors, including host government officials, non-government organizations, and fellow foreign diplomats stationed in Qatar.

Question. In your opinion, do U.S. diplomats get outside of our embassy walls enough to accomplish fully their missions?

Answer. U.S. diplomats must interact with host government officials, civil society, and the local population to protect American interests on the ground and represent American values to the local population. However, the health, safety, and security of U.S. citizens overseas, including those working in our foreign missions, is the Department's paramount priority. I have learned from my various postings, including in leadership positions, how to appropriately balance the need to be active outside the embassy with commensurate security and safety measures to sufficiently protect our people.

If confirmed, I would commit to achieving that balance to ensure that the employees of Mission Qatar and their family members remain safe while also advancing our Mission goals through external outreach.

Question. How do you intend to improve the ability of U.S. diplomats to better access all local populations?

Answer. If confirmed, I would commit facilitating regular external outreach with local actors and institutions, while ensuring that employees of Mission Qatar and their family members remain safe.

Question. Public diplomacy is an important aspect of U.S. foreign policy efforts. What is the public diplomacy environment like in the Qatar?

Answer. Educational and cultural partnerships are important components of our bilateral relationship, and the Qatari Government is largely supportive of Embassy programming and partnerships. Targeting public diplomacy programming to the 10 percent of Qatar's population who are Qatari citizens can be challenging. The Government and people of Qatar have largely favorable views of the United States, but mixed views on U.S. foreign policy in the region.

Our public diplomacy efforts in Qatar are bolstered by Qatar's confidence in U.S. education, science, technology, and business, especially as the Government of Qatar seeks to pivot to a knowledge-based economy. Six American university campuses are currently housed at Education City in Qatar, with the support of Qatar Foundation: Georgetown University, Virginia Commonwealth University, Carnegie Mellon University, Texas A&M University, Weill Cornell Medical College, and Northwestern University.

Question. What public diplomacy challenges do U.S. diplomats face there?

Answer. The greatest challenge is accessibility to Qatar's small Qatari national population. Qataris on social media and in the press are very supportive of U.S. education and American culture but tend to be critical of U.S. Government policies in the region and values they perceive to be exclusively "Western."

While the Government of Qatar actively participates in a yearly Strategic Dialogue, implementation of various memoranda of understanding and other public diplomacy agreements is sometimes a challenge.

Question. How do you balance the importance of Main State versus the in-country mission when it comes to tailoring public diplomacy messages for foreign audiences?

Answer. Our diplomats and local staff at U.S. Embassy Doha possess deep knowledge of the cultural context and audiences in Qatar. As such, they are primarily responsible for effectively tailoring public diplomacy messages in country, in close collaboration with public diplomacy and public affairs colleagues in Washington, D.C.

Question. "Anomalous health incidents," commonly referred to as "Havana Syndrome," have been debilitating and sidelining U.S. diplomats around the world for years. They have caused serious, negative consequences for U.S. diplomacy, yet many believe that the Department is not doing enough to care for, protect, and communicate to its personnel.

- If confirmed, do you commit to taking this threat seriously?

Answer. Yes. Anomalous health incidents that have endangered the health of U.S. Government personnel are very troubling and must be taken seriously. I agree completely with Secretary Blinken that nothing is more important than the health and safety of our employees. If confirmed, I will ensure that any reported Anomalous Health Incidents at U.S. Mission Qatar are responded to quickly and thoroughly.

Question. If confirmed, do you commit to talking as openly as you can to Mission Doha personnel?

Answer. Yes. The Department has created a Health Incident Response Task Force charged with supporting employees who report Anomalous Health Incidents. If confirmed, I would ensure that all employees and their family members at U.S. Mission Qatar are aware of Anomalous Health Incidents and the means to report them, as well as the availability of resources and care. I commit to reporting any incidents quickly through the appropriate channels and to referring them promptly to the appropriate medical care. I also commit to meeting with medical staff and the Regional Security Office to discuss any past reported incidents and ensure that all protocols are being followed, in consultation with the Department's Health Incident Response Task Force and the appropriate teams in the Bureau of Diplomatic Security and Bureau of Medical Services.

In the State Department's 2021 Trafficking in Persons Report, Qatar was identified as Tier 2 for its ongoing efforts to meet the minimum standards to eliminate trafficking but did not adequately do so in a few key areas, including in the number of trafficking investigations and training for law enforcement.

Question. How will you work with the Qataris to address these issues if you are confirmed as Ambassador?

Answer. I share your concern about these issues and, if confirmed, would commit to working with the Government of Qatar to address them. Specifically, I would continue U.S. Government exchange programs and trainings with Qatari officials to strengthen their capabilities in the areas of victim identification, support services, and investigation and prosecution under Qatar's anti-trafficking law. I would also encourage Qatar's close cooperation with the International Labour Organization as well as other international and domestic NGOs to make further progress.

I would also consult closely with the office of the Ambassador-at-Large to Monitor and Combat Trafficking in Persons to improve Qatar's anti-trafficking efforts.

Question. In the State Department's 2021 International Religious Freedom report, societal respect for religious freedom in Qatar was generally lacking, especially among registered religious minorities.

- What is your assessment of this particular issue and if confirmed, how will you work with the Ambassador-at-Large to bolster religious freedom in-country?

Answer. The United States promotes universal respect for freedom of religion or belief for all as a core objective of U.S. foreign policy. Qatar's constitution guarantees freedom to practice religion, but places limits on that freedom. The public worship or display of religious symbols for people of non-Islamic faiths is restricted, for example. There are also concerning trends such as residency renewal refusals and criminal proceedings against people of unregistered faiths such as the local Baha'i community.

If confirmed, in addition to direct engagement with the Qatari Government, I would work with the Ambassador-at-Large to help monitor religiously motivated abuses, harassment, and discrimination and recommend, develop, and implement policies and programs to address these concerns.

Question. In the State Department's 2021 Human Rights Report, Qatar was noted as having several significant human rights abuses, including limits on the freedom of expression, peaceful assembly and association, excessive restrictions on NGOs, migrant workers' rights, and forced labor. It was noted the Government did take some steps to address these issues.

- If confirmed, what steps will you take to continue to address these concerns with the host government?

Answer. As the President and Secretary have said, human rights are a pillar of our foreign policy and of our relationships around the world. If confirmed, I would prioritize addressing these concerns, and I would not shy away from raising these issues at the most senior levels.

Specifically, if confirmed, I would work closely with Qatari partners to strengthen implementation of positive changes like labor reforms that allow migrant workers to change jobs and exit the county without employer permission. I would also regularly encourage Qatar to take additional steps to protect the fundamental freedoms of expression and association. I believe honest conversations about human rights will make our relationship stronger and more resilient.

Question. How will you direct your embassy to work with civil society organizations to improve the human rights situation on the ground?

Answer. Restrictive laws govern civil society organizations in Qatar. If confirmed, I would direct embassy employees to continue engaging regularly with civil society,

and I would engage directly with the Government of Qatar to encourage greater freedom of association.

Question. What is your assessment of the forced labor issue, especially as Qatar prepares to host the 2022 World Cup? If confirmed, do you commit to personally raising human rights issues with the Qatari Government?

Answer. According to the State Department's annual Trafficking in Persons report, the Government of Qatar is making significant efforts to eliminate human trafficking, including forced labor, but currently does not fully meet minimum standards of the Trafficking Victims Protection Act. Qatar has passed laws to better protect World Cup stadium construction workers specifically, for example a decree in 2019 that prohibits work outdoors in the extreme heat, but serious problems still exist. If confirmed, I would commit to raising human rights issues with the Government of Qatar as a priority and working with Qatari partners to address these issues.

Question. If confirmed, you will be Ambassador to an important major non-NATO ally that is currently the main interlocutor in the U.S-Taliban relationship, specifically as it relates to evacuations of U.S. nationals and vulnerable Afghans from Afghanistan.

- What is your assessment of continued evacuations from Afghanistan and evacuees transit through Camp Al-Saliyah (CAS) in Qatar?

Answer. The Coordinator for Afghan Relocation Efforts (CARE) and her team continue the U.S. Government's important work to fulfill the President's commitment to support the Afghan nationals who worked side-by-side with the United States in Afghanistan. The Government of Qatar has been an invaluable partner in those efforts.

Question. What is your assessment of Qatar's role in the long-term planning for evacuations?

Answer. I am not apprised of conversations with the Government of Qatar on this topic. I would refer you to Coordinator for Afghan Relocation Efforts (CARE) for further details, and if confirmed, I would look forward to engaging with Qatari partners to secure their continued support for our ongoing Afghan relocation efforts.

Question. If confirmed, how will you work with other regional Ambassadors to support evacuations?

Answer. The Coordinator for Afghan Relocation Efforts (CARE)'s mission requires collaboration and teamwork from U.S. embassies around the world. If confirmed, I would work closely with other regional Ambassadors at the Coordinator's advice to support these efforts.

Question. It is our understanding that the Qataris have agreed to an extension for the MOU outlining continued support for evacuations until 2023. Knowing that evacuations will likely continue beyond this time, what is the best path forward to ensure CAS remains open for processing?

Answer. If confirmed, I would work with the Coordinator for Afghan Relocation Efforts (CARE), other U.S. Government agencies, and the Government of Qatar to maximize support for our ongoing Afghan relocation efforts. I would refer you to CARE for any specific questions.

Question. If confirmed, how will you de-conflict between the Coordinator for Afghan Relocation Efforts (CARE) and Mission Doha regarding evacuations?

Answer. Mission Qatar and the Coordinator for Afghan Relocation Efforts (CARE) have a very close working relationship. CARE's operation in Doha is an integrated component of Mission Qatar. If confirmed, I would commit to maintaining and further strengthening this collaboration.

Question. Do you commit to briefing this committee on the continued conversations between the U.S., Qatar, and the Taliban regarding evacuations?

Answer. Yes, I commit to keeping this committee apprised of important developments.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO DR. GEETA RAO GUPTA BY SENATOR JAMES E. RISCH

Question. Many State Department Offices have been under enormous stress over the last few years, in large part due to COVID.

- What is your understanding of morale throughout the Office of Global Women's Issues?

Answer. Since January of last year, the office has been led by a longtime career public servant who has prioritized addressing recommendations from the Office of the Inspector General's assessment conducted under the previous administration. My understanding of morale throughout the Office is that it has significantly improved as it regains staffing, including and in line with the recommendations of the Inspector General, and with the current leadership's efforts to retain flexibility as COVID protocols have changed. I also understand the office currently enjoys a high degree of access and coordination with the White House, and that political will and support has been incredibly important to improving the morale of the dedicated team at S/GWI.

Question. How do you intend to improve morale at Office of Global Women's Issues?

Answer. In my past professional experience, I have learned that all offices need at least three things to succeed, and that morale is concurrently served through: 1) sufficient personnel and financial resources; 2) political will and leadership; and 3) clear goals and metrics. If confirmed, I am committed to identifying and addressing the needs of the Office and empowering staff in their leadership of Department initiatives for half of the world's population, in coordination with Congress.

Question. How do you intend to create a unified mission and vision at Mission Office of Global Women's Issues?

Answer. I have read the Office of the Inspector General assessment of S/GWI under the previous administration, including its recommendation for a greater focus on strategic planning and alignment of resources with priorities. It is my understanding that the Office has created a new team for this purpose and to oversee implementation of the National Strategy on Gender Equity and Equality, an umbrella framework issued by the White House last year. If confirmed, I will utilize this Strategy to unify related gender equality policy mandates developed, implemented, and coordinated by S/GWI.

Question. Management is a key responsibility for Ambassadors. How would you describe your management style?

Answer. I endeavor to lead by example, with my goal to manage in ways that are inclusive, collaborative, transparent and decisive. In the past, I have benefitted from input from my team and other stakeholders, but ultimately believe it is my responsibility to take full ownership for the decisions I make. I provide regular feedback and do not shy away from making and implementing difficult personnel decisions because it is an important way to improve the team's overall morale and performance. To develop a shared sense of responsibility, I communicate roles and responsibilities clearly, collaborate with my team to set goals with metrics to monitor progress, and celebrate successes jointly.

Question. Do you believe it is ever acceptable or constructive to berate subordinates, either in public or private?

Answer. No. I do not believe that it is ever acceptable or constructive to berate subordinates, whether in public or in private.

Question. How do you envision your leadership relationship with your deputies?

Answer. To my understanding, there is no official deputy position in the Office of Global Women's Issues currently. However, I know the Office has been superbly managed by the current Senior Official, a career civil servant with deep program and policy experience. If confirmed, I intend to ask her to stay on as principal deputy, and to entrust her with significant leadership responsibilities, including and especially as I come up to speed. If confirmed, I also intend to explore how I can best work with and learn from others in the Office who have long served at the Department.

Question. If confirmed, what leadership responsibilities do you intend to entrust to your deputies?

Answer. It is my understanding that confirmed political leadership for State Department offices is critical, but the Office of Global Women's Issues has since January of last year been led superbly by a longtime career public servant who I intend to ask to stay. If confirmed, I intend to learn from and empower her continued leadership, that of the current senior advisor, and the leadership of others in the Office to build an environment of collaborative leadership and consistency for our staff,

while advancing gender equality globally. This is especially important to maintaining programmatic continuity.

Question. In order to create and continue employee excellence at the Department, accurate and direct employee evaluation reports (EERs) for Foreign Service Officers are imperative, though often lacking.

- Do you believe that it is important to provide employees with accurate, constructive feedback on their performances in order to encourage improvement and reward those who most succeeded in their roles?

Answer. I wholeheartedly believe that it is important to provide employees with timely, accurate, and constructive feedback on their performances in order to encourage improvement, as needed, empower high achievers, and raise the overall morale of the Office. As someone who has spent a career working with data, I relish the opportunity to provide my team with the information they need to grow and excel in their roles. I welcome that feedback from others as well. If confirmed, I will work to ensure EERs, as well as bi-annual performance reviews, are completed in a comprehensive manner for all S/GWI employees, to provide other, timely oral feedback, and to use awards cycles to recognize truly outstanding performance.

Question. If confirmed, would you support and encourage clear, accurate, and direct feedback to employees in order to improve performance and reward high achievers?

Answer. Yes. If confirmed, I would absolutely support and encourage clear, accurate, and direct feedback to employees in order to improve performance and reward high achievers. I intend to lead by example and provide this feedback and will encourage others in a leadership position in the Office to do the same.

Question. It is imperative that U.S. diplomats get outside of posts abroad to meet with local actors, including host government officials, non-government organizations, and fellow foreign diplomats.

- In your opinion, do U.S. diplomats get outside of our embassy walls enough to accomplish fully their missions?

Answer. The Department continues to engage our partners and contacts outside of embassy walls at all posts, to include our High Threat/High Risk posts. However, challenges remain for our diplomats and development officers to operate outside of capitals due to security concerns, which can prevent diplomatic engagement, as well as crisis mitigation and other stabilization efforts. I look forward to learning more about these efforts should I be confirmed.

Question. How do you intend to improve the ability of U.S. diplomats to better access all local populations?

Answer. As a result of the COVID–19 pandemic, international and non-governmental organizations as well as civil society, have developed innovative virtual platforms to ensure engagement with local populations. While I do not believe anything truly replaces face-to-face diplomacy, should I have the honor of being confirmed, I will support the Office's utilization of these virtual consultative mechanisms, especially as I believe they can be used to engage local civil society organizations that operate outside of capital regions to address the needs of grassroots populations.

Question. Is access to abortion an internationally-recognized human right?

Answer. My understanding is the United States is not a party to any international human rights instrument that states that access to abortion is a "human right." The United States has been a global leader and a strong bilateral donor of voluntary family planning assistance, empowering women and girls to plan their futures, including by preventing unintended pregnancies.

* * *

FOLLOW UP QUESTIONS SUBMITTED TO
DR. GEETA RAO GUPTA BY SENATOR RISCH

Question. Is S/GWI involved in reproductive health policy decisions?

Answer. To my understanding, the Office of Global Women's Issues leads on the portfolio on female genital mutilation (FGM), which is a form of gender-based violence that also detrimentally affects women's sexual, reproductive and maternal health. However, it is my understanding that PRM leads on sexual and reproductive health and rights policy at the Department, and the extent of

S/GWI's involvement relates exclusively to providing consultation and clearance as appropriate, given its leadership on gender equality within the Department.

Question. Should it be?

Answer. I am supportive of PRM's continued leadership on sexual and reproductive health and rights policy for the Department. I believe that it is appropriate for S/GWI to continue to lead on GBV, inclusive of FGM and child marriage. Should I be confirmed, I will continue S/GWI's focus on its three key priorities: 1) addressing and preventing GBV; 2) increasing women's economic participation; and 3) advancing the women, peace and security agenda.

* * *

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

Answer. If confirmed, I commit to upholding all provisions of law related to our foreign assistance including those relating to abortion and involuntary sterilization, and I will work with partners to ensure compliance.

Question. Does the Office of Global Women's Issues work on health issues?

Answer. Health outcomes are related to some of the Office's priorities, such as how gender-based violence impacts women's and girls' participation in public and private life due to its short- and long-term impact on physical and mental health. However, the Office does not have any global health-related funding or programs. If confirmed, I will focus on the policy and programmatic priorities of the Office for which I am nominated which include: women's economic security; gender-based violence; and advancing the women, peace, and security agenda.

Question. In particular, does the Office of Global Women's Issues work on reproductive health policies?

Answer. It is my understanding that the Bureau of Population, Refugees, and Migration is the policy lead for the Department on sexual and reproductive health and rights, and that the Office for which I am nominated does not have targeted global health-related programming or funding. However, the Office of Global Women's Issues' work on gender-based violence includes a focus on female genital mutilation (FGM), which has a direct bearing on reproductive and maternal health. Should I be confirmed, I will focus on the priorities of the office I am nominated for, which include women's economic security, gender-based violence to include FGM, and advancing the women, peace and security agenda.

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FOLLOW UP QUESTIONS SUBMITTED TO
DR. GEETA RAO GUPTA BY SENATOR RISCH

Question. I understand that the United States continues to support the 1994 International Conference on Population and Development (ICPD) Programme of Action, which was adopted by consensus. The ICPD established international consensus definitions of the term "reproductive health" and "reproductive rights," neither of which explicitly references abortion or a right to abortion.

- Is it your interpretation that the Siljander Amendment applies only to global health assistance, or also to the development and economic assistance that GWI manages and awards?

Answer. My understanding is that the Siljander Amendment stipulates that no funds appropriated under the Department of State, Foreign Operations and Related Programs Appropriations Act may be used to lobby for or against abortion. This includes the foreign assistance that S/GWI manages and awards.

Question. If confirmed, will you commit to ensuring that the policies GWI advances in response to gender-based violence are fully compliant with the Siljander and Helms amendments?

Answer. Yes. I reaffirm that, should I be confirmed, I will take legislative restrictions, including restrictions related to abortion, very seriously and will work with partners to ensure compliance.

Question. Secretary Blinken released the below press statement on Friday, June 24, regarding the Supreme Court's ruling in *Dobbs* v. *Jackson:*

> *As Secretary of State, I usually avoid commenting on Supreme Court rulings. But today's decision overturning Roe v. Wade has raised understandable questions and concerns across the world and within our workforce.*
>
> *So let me be clear: under this administration, the State Department will remain fully committed to helping provide access to reproductive health services and advancing reproductive rights around the world. And this Department will do everything possible to ensure that all our employees have access to reproductive health services, wherever they live.*
>
> *We will not waver from this commitment.*

- Do you agree with Sec. Blinken's June 24 press statement in response to the U.S. Supreme Court's ruling in *Dobbs* v. *Jackson?*

Answer. Yes, but from my understanding, S/GWI does not engage in policy affecting workforce issues.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO DR. GEETA RAO GUPTA BY SENATOR MARCO RUBIO

Question. You have written extensively on the need to consider abortion and reproductive health programs a human right. You have opposed common-sense policies, like the Mexico City Policy, which ensures that organizations which promote abortion are not subsidized by taxpayer money while pushing the World Health Assembly to designate reproductive health services as "essential services." While the Office of Global Women's Issues at the State Department does not currently have a purview over women's health issues, the American people deserve to know whether or not you will seek to abuse your position to advance divisive abortion policies.

- Do you believe that access to abortion should be a fundamental human right?

Answer. My understanding is that the United States is not a party to any international human rights instrument that states that access to abortion is a "human right." Instead, the U.S. has long supported efforts to make pregnancy and childbirth safer by strengthening health systems to provide women and girls with integrated health services, including increased access to maternal health care and high quality, voluntary family planning.

Question. If confirmed, will you use your position to advance this belief in American foreign policy?

Answer. If confirmed, I will focus on the priorities of the Office for which I am nominated, which include: promoting women's economic security; preventing and responding to gender-based violence; and advancing the women, peace, and security agenda.

Question. A number of countries continue to have laws that respect the sanctity of human life, including the right to life of the unborn. Many of these are critical American partners, like Guatemala, the Dominican Republic, the Philippines, Jamaica, and Suriname.

- Is it in the interest of the United States to advocate for these countries to repeal their pro-life laws?

Answer. It is my understanding that the 1981 Siljander amendment prohibits the use of State Department or USAID funds to lobby for or against abortion. If confirmed, I commit to upholding this, and all provisions of law related to the use of State Department funds.

Question. Are you worried that by doing so, we risk forcing these countries into the arms of China and Russia, who have no issues with these countries' positions on abortion?

Answer. If confirmed, I commit to upholding all provisions of law restricting the use of funding from the Department of State from lobbying for or against abortion. I will focus on the mandate and priorities of the Office, which include: advancing women's and girls' economic security; preventing and protection from gender-based violence; and increasing women's meaningful participation in political and security decision-making.

Question. If confirmed, will you include advocating for access to abortion in these countries among one of your priorities?

Answer. Should I have the honor of being confirmed, I commit to upholding all provisions of law, including those restricting the use of Department of State funds as related to lobbying for or against abortion. As noted above, my intention is to focus on the mandate and priorities of the Office to support women's and girls' economic security, prevention and protection from gender-based violence, and their meaningful participation in political and security decision-making.

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