

NOMINATIONS

TUESDAY, JULY 21, 2020

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

The committee met, pursuant to notice, at 10:01 a.m. in Room SD-106, Dirksen Senate Office Building, Hon. James E. Risch, chairman of the committee, presiding.

Present: Senators Risch [presiding], Rubio, Johnson, Gardner, Barrasso, Portman, Young, Cruz, Menendez, Cardin, Shaheen, Coons, Murphy, Kaine, and Booker.

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

The CHAIRMAN. The hour of 10:00 a.m. having arrived, this hearing of the Senate Foreign Relations Committee will come to order.

Today the committee will hold a nominations hearing for three very important positions. Our nominees today are the Honorable Marshall Billingslea to be Under Secretary of State for Arms Control and International Security; the Honorable Curtis Joseph C.J. Mahoney to be Legal Adviser of the Department of State; and the Honorable Carlos Trujillo to be Assistant Secretary of State for Western Hemisphere Affairs.

We have two very distinguished guests today to introduce one of our nominees: Senator Pat Roberts and Senator Jerry Moran. And I am going to postpone my opening statement and request that Senator Menendez does the same as we allow Senator Roberts and Senator Moran to introduce one of our nominees. So with that, Senator Roberts, the floor is yours.

STATEMENT OF HON. PAT ROBERTS, U.S. SENATOR FROM KANSAS

Senator ROBERTS. Mr. Chairman, it is a privilege to be here. Thank you for your leadership doing a tough job the best that can be done. It is a privilege to be here with my distinguished colleague, Senator Moran, and we both, of course, think it is a very distinct honor and privilege to introduce Mr. C.J. Mahoney as the nominee for Legal Adviser of the Department of State.

C.J. hails from Russell, Kansas, home of Bob Dole and Arlen Specter, by the way. And I have had the opportunity to talk at length with him over the years. Each time I have been impressed by his intellect, his integrity, his character, his experience so much so this is the second time I have introduced him before a Senate committee. It does not get any better than that.

The professional path that brought C.J. to this point is both unique and exceptional. He is a graduate of Harvard College and Yale Law School where he was editor of the Yale Law Journal and was a visiting lecturer on international arbitration.

For the past 2 years, he has served as Deputy USTR Representative for Investment Services, Labor, Environment, and Labor. During that time he also played a very key role in securing the United States-Mexico-Canada Agreement, or what we call USMCA. By the way, that stands for United States Marine Corps Always. Actually it is a trade bill. Thank you, C.J. We really needed that very badly.

He has experience working in international disputes and arbitration, each giving him perspective on how best to advise the State Department. Each position that he has held has built his critical reasoning and decision-making skills. This is evident by his peer support and, I venture to say, everyone who knows C.J. and is familiar with his work and exceptional skills.

Mr. Chairman, my colleague, C.J. Mahoney, has my strongest possible support, and I have no doubt he will serve the State Department well in the legal advisory role.

Thank you, sir.

The CHAIRMAN. Well, thank you very much.

Senator Moran?

**STATEMENT OF HON. JERRY MORAN,
U.S. SENATOR FROM KANSAS**

Senator MORAN. Mr. Chairman, thank you. Thank you and Senator Menendez for the opportunity to be with you this morning and to add my comments to my colleague, Senator Roberts, in support of the confirmation of C.J. Mahoney to serve as Legal Adviser at the State Department.

Senator Roberts and I had this opportunity to do this similar kind of presentation in the Finance Committee when C.J. became the Deputy Trade Ambassador and responsible for half of the globe from Mexico to China, and his significant involvement in USMCA, as Senator Roberts said, was an important component to us getting an agreement. And I am pleased to be here.

I would not reiterate C.J.'s qualifications, but it is one of those Kansans. We all have people in our State that we look to to say, wow, they have done a lot with their lives and they have been very successful and we are very proud of them. And C.J. fits that category not only for me but for folks in his hometown, a town of about 4,000 or 5,000 people. I just was there a couple weeks ago and all wanting to know how C.J. Mahoney was doing. It is something about growing up in a small town and what we now often define as success is honored and esteemed in your hometown. And in the case of C.J., it happens across the State of Kansas.

I met C.J. in 1996. I saw him on television at the Republican National Convention in which he seconded the nomination of Bob Dole for the Republican nomination for the presidency. I then connected with C.J., and he and I traveled the State of Kansas as I was a candidate for Congress. And C.J. became my driver and companion. And we got well acquainted in that circumstance, as you all know from your experiences in campaigning.

And C.J. has demonstrated, at every turn in his life, capabilities, qualifications, integrity, someone that Kansans have every reason to honor and esteem. And I know that if you have had dealings with C.J., you have that sense, and I can tell you that your sense is well founded.

I would finally say, as I did at the hearing in front of the Finance Committee, it was a great honor to introduce C.J. to the committee. He was my very first intern in 1997 as a House Member, then he became an Ambassador, now with your support can become the Legal Adviser to the Department of State. I ask your consideration of C.J. I know this committee has its challenges in the confirmation process at this point, but I hope that the personal aspects and the qualifications of C.J. allow this committee to recommend him favorably to the full Senate where I will proudly vote for my fellow Kansan and neighbor 25 miles down the road.

Mr. Chairman, Mr. Menendez, thank you very much.

The CHAIRMAN. Senators, thank you very much. We will now proceed, and we know you have a busy schedule. So we will excuse you.

In the meantime, our other two nominees can join us at the table, and we will proceed to opening statements from myself and from Senator Menendez. We will then hear from the candidates and, of course, thereafter we will proceed to question and answer. So with that, we will proceed.

Today we meet to consider the nominations of three qualified individuals for extremely important posts. We welcome you and we thank you sincerely for your willingness to serve and, of course, your families we thank also because we know the sacrifices attached to service.

Each of these positions plays a vital role in U.S. foreign policy-making, and each is in need of a Senate-confirmed leader. It is unfortunate we have had to hold these hearings under these present circumstances, but that is the place we find ourselves.

The nominees are infinitely qualified for these positions and are committed public servants with long track records that highlight their commitment to the United States. There are, indeed, some policy disagreements with them on particular issues. This is the Senate and I would expect nothing less. But in our age-old deference on this committee to civility, I am certain we can get through this.

However, it is time for the nominees to have their public hearing so that members of the committee may ask their questions of the nominees and the public may hear their views on important issues facing our country.

First, we have Marshall Billingslea to be Under Secretary of State for Arms Control and International Security. This position oversees the Bureau of, one, Political and Military Affairs; number two, International Security and Nonproliferation; and three, Arms Control Verification and Compliance, all issues that this committee has been greatly concerned with.

I agree with Ranking Member Menendez's recent statements that it is key that we have a Senate-confirmed individual in this position. It is vital that our relationship with allied and partner military support our foreign policy goals and that the United States

be able to provide our allies and partners with critical capabilities in a timely manner. The Department must especially prioritize those capabilities and arms transfers most needed to deter Chinese and Russian aggression. Arms control has been a key element of U.S. foreign policy for decades, but there are tectonic shifts in the arms control world that we cannot ignore. We do not pursue arms control merely for its own sake. To safeguard the American people, arms control agreements must be verifiable, enforceable, and effective. We currently lack adequate agreements that fully meet those requirements.

As talks begin with Russia next week on the future of our major nonproliferation agreements, the United States must acknowledge it is entering a new era of arms control. While the U.S. constrains itself to adhere to its arms control obligations, we cannot say that Russia and especially China are likewise constrained by the current arms control frameworks and agreements. The old bilateral model of arms control is no longer sufficient under such conditions.

I look forward to hearing today about how we can move forward to true trilateral discussions that accounts for the interaction between all three major powers, with the full understanding that one of those powers has not indicated its desire to enter into such negotiations or agreement.

Mr. Billingslea is well qualified for this position. He currently serves as Special Presidential Envoy for Arms Control at the State Department. In that role, he has been an effective advocate for the United States on these very issues, and just last month, he provided this committee a timely and comprehensive, well thought out classified assessment, which our members truly appreciated.

He has also served as Assistant Secretary of the Treasury for Terrorist Financing, a position for which he was confirmed by the Senate in June of 2017.

In addition, he served in positions at the Defense Department and NATO under the George W. Bush administration, and he is a former staffer for this committee.

Second, we have Curtis Joseph "C.J." Mahoney to be Legal Adviser of the Department of State. The Legal Adviser, or the L position as it is known at State, is critically important because this person advises the Secretary of State on all legal issues related to the work of the Department, including matters of international law, use of force, and international agreements entered into by the United States.

Mr. Mahoney is well qualified for this challenging position. On March 1, 2018, he was confirmed unanimously by the Senate to be Deputy U.S. Trade Representative for Investment Services, Labor, Environment, Africa, China, and the Western Hemisphere. In this position, he played a key role in negotiating the new USMCA.

Prior to his current position with USTR, he was a partner at the law firm of Williams and Connolly, has served as a law clerk to the former Supreme Court Justice Anthony Kennedy.

Third, we have Carlos Trujillo to be Assistant Secretary of State for Western Hemisphere Affairs. This position is responsible for advising the Secretary on how best to advance U.S. interests in a diverse region that includes a NATO ally, two top U.S. trading partners, and three socialist dictatorships. The U.S. has a vital national

interest in promoting a western hemisphere region that is prosperous, democratic, and secure.

I am concerned about the malign influence of China, Russia, and Iran across the region. Their negative influence is augmented by involving transnational criminal organizations and persistent corruption.

Carlos Trujillo is ready to take on this important job. He currently serves as the U.S. Permanent Representative of the Organization of American States, a position for which he was confirmed unanimously by the Senate in March 2018. At the OAS, Ambassador Trujillo has worked hard to grow and sustain a regional effort to help Venezuelans and Nicaraguans recover their freedom. He has also successfully kept the OAS focused on its core objective of supporting democratic governance.

Prior to his diplomatic service, Mr. Trujillo served in the Florida House of Representatives, as a State prosecutor, and as an attorney in private practice.

With that, I will turn to Senator Menendez.

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

Senator MENENDEZ. Well, thank you, Mr. Chairman.

And welcome to each of the nominees.

Mr. Chairman, first of all, I want to thank you for listening to the Democratic members on the importance of rebalancing the committee agenda. We urged you to shift away from a nominations-only approach and to rejuvenate the committee's policy and oversight focus. The fact that you finally appear to have secured Secretary Pompeo's testimony in particular is a solid step in the right direction.

But at the same time, I must share my deep disappointment over today's hearing, including that you noticed it unilaterally and over the objection of the committee minority. Today's hearing represents the evisceration of critical committee oversight efforts and of a related and continual pattern of rubber-stamping Trump administration nominees. On both fronts, the committee is caving to the executive branch and moving forward without transparency, accountability, or regard for our constitutional system of checks and balances. Let me explain what I mean.

It is no secret that the President and his Secretary of State recoil from scrutiny. They claim to act on behalf of the American people. Yet, they fight against any congressional or public scrutiny of their actions. This is obviously unacceptable. In response and as a last resort, committee Democrats urged you not to move forward with nominations for positions connected to blatant State Department stonewalling. This was particularly the case with the Legal Adviser and Western Hemisphere positions, as the administration has been particularly obstructionist in those areas. Let me give you just a few examples.

The Department is blocking us from examining the firing of the State Department Inspector General, the very same Inspector General who was investigating Secretary Pompeo at the time of his firing.

The Department has refused to come clean with the legal determinations concerning Saudi Arabia's brutal murder of Jamal Khashoggi.

The administration is withholding key witnesses in a joint Senate Foreign Relations Committee and House investigation into the Trump administration's political targeting of career State Department employees.

And the administration continues to hide the controversial instruments negotiated with Mexico and the Northern Triangle countries.

This is dangerous. Bad things happen when there is no transparency, no accountability, no oversight. We have seen it time and again with this administration.

Yet, Mr. Chairman, by moving forward with this hearing—and I understand it is under significant pressure from Secretary Pompeo—you eliminated any incentive that the Department had to engage and undermined the committee's ability to pursue the public interest to shine a light on the darkest, most disturbing corners of the Trump foreign policy and the Pompeo State Department.

A separate but related problem is the refusal of the administration and some nominees to cooperate on vetting matters. This problem is front and center with Mr. Billingslea. He has simply not come clean about his involvement in Bush-era torture programs, claiming over and over again that he never advocated for torture. The problem is that is just not true. The evidence shows that Mr. Billingslea was a strong advocate for hooding, 20-hour interrogations, forced grooming, sleep deprivation, removal of clothing, face and stomach slaps, and use of dogs in interrogations. We should not be moving forward with Mr. Billingslea's nomination. Period. The stain of torture, combined with his credibility gap, should be disqualifying.

But even if you disagree, Mr. Chairman, at a minimum we should not be moving forward until he truthfully acknowledges his actions, but here he is before us today. So what incentives does he have left to come clean with us?

And it is not just Mr. Billingslea. We have seen it multiple times over the last 2 years: Michael Pack, Darrell Issa, Doug Manchester, and so on.

So, Mr. Chairman, I am deeply dismayed at what this hearing represents. If we are truly a coequal branch of government, we have to act like it. On behalf of the American people, we have to rebalance our relationship with the executive branch regardless of which party is in the White House. Our relevance depends on it, and I hope we can move forward in the future in a different direction.

Finally, a word to the nominees, in particular Ambassadors Mahoney and Trujillo. I am a huge believer—I spent my whole life—in public service, and I have the greatest respect for our career diplomatic and development professionals. I also believe that service as a political appointee is a noble calling and essential to our system. Until this moment, I would have never questioned anyone's decision to serve in a political capacity in any administration, Democratic or Republican. But I am honestly perplexed as to why you are pursuing these nominations.

They are great jobs and honorable ones under normal circumstances.

But nothing about this moment and this administration is normal. We have a President who seeks to divide us domestically, that attacks our allies and coddles our enemies, and we have a Secretary of State that enables him. And this is not the beginning of the administration. We all know its ugliness, its incompetence, and its lawlessness: Charlottesville, Khashoggi, the Ukraine scandal, more recently Lafayette Square, Portland, Oregon, and reportedly a Trump green light for Uighur concentration camps. There is no bottom.

I do not understand why you are signing on to such a tour. I cannot imagine that you will be proud of what you are going to have to advocate for. So why do you want to own it?

I think it is past time for the senior political leadership in this country to stand up and say enough. This is not right and I do not want to be a part of it. We have to ask ourselves that question, and I hope you will reflect on it urgently.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

To make sure that the record is complete on this, you are correct that I did unilaterally notice this hearing over your objections and your staff's objections. However, it should also be noted that that was not done in a vacuum. We negotiated at great length. We were unable to reach an agreement. And as I have said before, my responsibility to move these forward. I understand your arguments and feelings from a political and philosophical basis about the President and about people that need to be in these positions.

Having said that, it is my obligation to move these forward. I am going to. That is the great part of a democracy is we debate these out and then we vote. And the vote will determine the outcome. So that is my objective here is to move these forward and allow everyone on this committee state for themselves whether they throw in with the thoughts that you have or whether they have their own thoughts and go a different direction. And I think that is fair and I think that is the way democracy works. I hope we can do it civilly, and even though we disagree, we can do it in that fashion.

So with that, we will turn to our nominees, and we will start with Mr. Billingslea. Your statement will be included in the record in full, without objection. So if you could please keep your remarks to no more than 5 minutes or so, we would appreciate that. Mr. Billingslea, the floor is yours.

**STATEMENT OF HON. MARSHALL BILLINGSLEA, OF VIRGINIA,
TO BE UNDER SECRETARY OF STATE FOR ARMS CONTROL
AND INTERNATIONAL SECURITY**

Mr. BILLINGSLEA. Thank you, Chairman. Chairman Risch, Ranking Member Menendez, and members of the committee, I am honored to appear before you today as President Trump's nominee for Under Secretary of State for Arms Control and International Security. I am grateful to the President and Secretary Pompeo for their trust and confidence in me to serve in this important new role.

First of all, I thank my family, my wife Karen and my two daughters, Morgan and Elsa, for supporting me in my decision to

accept the President's nomination to the Department of State. These positions require enormous family sacrifice, and I could not do this without their love and backing.

It is, Senators, a great pleasure to appear before this committee, which dates to the earliest days of our republic as one of the original 10 standing committees of the Senate, and, in particular, an honor to appear before this body which discharges the Senate's constitutional prerogatives under Article II, Section 2, Clause 2 of the treaty making power. I hope it will be a nice homecoming of sorts. As some of you may know, I began my government career on the professional staff of this very committee.

The experience I gained from my time as an SFRC staffer was formative and has had a lasting influence on my career in government.

In particular, I am gratified to be nominated to lead the T family of bureaus, given that I worked very closely for nearly 7 years with both the T Bureau and with its predecessor, the Arms Control and Disarmament Agency. In fact, I had the privilege in the late 1990s of co-drafting for the chairman at the time the bipartisan legislation that would fold ACDA into the Department of State and create the Under Secretary position.

So I find myself 21 years later now sitting before you nominated for that very position.

If confirmed by the Senate, I look forward to tackling the many and critical national security issues for which the T family is responsible within the Department of State. Some of those challenges are recurring decades-old issues, predating the very creation of the Under Secretary position. And there are newer, emergent problem sets that require fresh and creative thinking.

I am pleased to be nominated to a position with a portfolio with which I am deeply familiar. This is not just from my time serving on this committee staff but also in my tenure as the Deputy Assistant Secretary of Defense for Negotiations Policy where I worked closely with both the arms control and the nonproliferation functions of T, later as our Assistant Secretary General at NATO, and then as the Deputy Under Secretary of the Navy, I worked closely with the Bureau of Political-Military Affairs and its with its Directorate of Defense Trade Controls.

Members will see in my history of public service a career spent working on a wide range of arms control, nonproliferation, and political-military issues. I supported a number of arms control and law of war treaties over the years. I helped move several of those through this committee during the 1990s ranging from START II to the Amended Mines Protocol, the CFE Flank Agreement, the Convention on Nuclear Safety, and so on and so forth.

My support for arms control that advances U.S. security and which is both enforceable and verifiable is fully captured in my 2002 testimony as the Deputy Assistant Secretary of Defense before the Senate Government Affairs Committee. In that hearing, I stressed the importance of the Nuclear Non-Proliferation Treaty, something I hope we can discuss today, and the value of the International Atomic Energy Agency, as well as the enhanced access to be afforded under the new Additional Protocol at the time, which I supported during the Bush administration. I also spoke at length

about the importance of multilateral regimes, such as the Australia Group, the Nuclear Suppliers Group, and the Missile Technology Control Regime.

During that time, I launched expansion of the Suppression of Unlawful Acts at Sea Treaty to include proliferation and to provide a basis for interdiction of proliferant traffic on the high seas. And I also drove DOD's support and involvement in the Proliferation Security Initiative. I also testified before this committee on behalf of the Child Soldiers Protocol.

And finally, my time at the Treasury Department over the past 3 years demonstrates my deep and abiding commitment to enforcing global nonproliferation norms, especially U.N. Security Council resolutions. Much of what I did as Assistant Secretary of the Treasury was to confront North Korean proliferation networks that were circumventing the objectives of the NPT and flouting UNSCRs. And similarly, I drove the use of sanctions and other financial tradecraft to disrupt Iranian proliferation networks, as well as their terror apparatus.

It is with this background, my ability to recognize what makes an international agreement a good deal for the United States, and my commitment to verification and compliance and enforcement that led to my appointment as Special Presidential Envoy for Arms Control. The President has tasked me with a formidable job, which is to negotiate the most complete, effective, and verifiable arms control agreement possible to safeguard American national security. And that is why he also put me forward for the broader role of Under Secretary.

As the chairman has mentioned, I had a chance to talk to this committee in great detail on our thinking prior to engaging the Russian Federation, and I look forward to sharing additional thoughts as our negotiations in Vienna are set to commence next week.

And let me in closing say that in preparation for this hearing over the past several weeks, I have had a chance to work closely with the professionals in the T family, and it has been a real pleasure to be able to get to know and to work alongside both our Foreign Service officers and our career civil servants, and I look forward to supporting them in the coming days, if confirmed.

Again, Chairman Risch and Senator Menendez, I ask that the rest of my statement be included in the record.

[The prepared statement of Mr. Billingslea follows:]

PREPARED STATEMENT OF HON. MARSHALL BILLINGSLEA

Chairman Risch, Ranking Member Menendez, and members of the committee, I am honored to appear before you today as President Trump's nominee for Under Secretary of State for Arms Control and International Security. I am grateful to the President and Secretary Pompeo for their trust and confidence in me to serve in this important new role.

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

Senators, it is a great pleasure to appear before this committee, which dates to the earliest days of our Republic as one of the original ten standing committees of the Senate. It is an honor to appear before the body, which discharges the Senate's constitutional prerogatives under Article II, Section 2, Clause 2. I hope it will also

be a nice homecoming of sorts; as some of you may know, I began my government career on the professional staff of this very committee.

The experience I gained from my time as an SFRC staffer was formative, and has had a lasting influence on my career in government.

In particular, I am gratified to be nominated to lead the “T Family” of Bureaus, given that I worked closely for nearly seven years with both T and its predecessor, the Arms Control and Disarmament Agency. In fact, I had the privilege in the late 1990s of co-drafting for then Chairman Helms the bipartisan legislation that would fold ACDA into the Department of State and create the Under Secretary position.

So I find myself, 21 years later, now sitting before you, nominated by the President for the position of Under Secretary for Arms Control and International Security.

If confirmed by the Senate, I look forward to tackling the many, and critical, national security issues, for which the T family is responsible within the State Department. Some of those challenges are recurring, decades-old issues, pre-dating creation of the Under Secretary. And some are newer, emergent problem sets requiring fresh and creative thinking.

I am pleased to be nominated to a position with a portfolio with which I am familiar. This is not just from my time serving on this committee staff, but from my tenure as the Deputy Assistant Secretary of Defense for Negotiations Policy, where I worked closely with both the arms control and nonproliferation functions of T, and later at both NATO and then as Deputy Under Secretary of the Navy, where I worked closely with the Bureau of Political-Military Affairs and its Directorate of Defense Trade Controls.

Members will see, in my history of public service, a career spent working on a wide range of arms control, nonproliferation, and political-military issues, I supported a number of arms control and law of war treaties, over the years. I helped move several of those through this committee during the 1990s, ranging from START II to the Amended Mines Protocol, the CFE Flank Agreement, the Convention on Nuclear Safety, and other measures.

My support for arms control that advances U.S. security, and which is both enforceable and verifiable, is fully captured in my 2002 testimony as DASD for Negotiations Policy, before the Senate Government Affairs Committee. In that hearing I stressed the importance of the Nuclear Non-Proliferation Treaty (NPT) and the value of the International Atomic Energy Agency, and the enhanced access provided under the Additional Protocol, which I supported during the Bush administration. I also talked at length about the importance of multilateral regimes, such as the Australia Group, the Nuclear Suppliers Group, and the Missile Technology Control Regime.

During that time, I launched expansion of the Suppression of Unlawful Acts at Sea (SUA) Convention to include proliferation, and drove DoD involvement in creation of the Proliferation Security Initiative. I also testified before this committee on behalf of the Child Soldiers Protocol.

Finally, my time at the Treasury Department, for the past three years, demonstrates my deep and abiding commitment to enforcing global nonproliferation norms, especially U.N. Security Council Resolutions (UNSCRs). Much of what I did, as Assistant Secretary of the Treasury, was to confront North Korean proliferation networks circumventing the objectives of the NPT and flouting UNSCRs. Similarly, I drove the use of sanctions and other financial tradecraft to disrupt Iranian proliferation networks, as well as their terror apparatus.

It is with this background—my ability to recognize what makes an international agreement a good deal for the United States—and my commitment to verification of compliance and enforcement, that led to my appointment as Special Presidential Envoy for Arms Control. The President tasked me with negotiating the most complete, effective, and verifiable arms control agreement possible to safeguard American national security. It is also why he put me forward for the much broader role of Under Secretary.

As Senators know, I recently testified before this committee in closed session on our thinking regarding nuclear arms control, the New START Treaty, and the worrisome nuclear arms buildups of both Russia and China. I will continue to keep this committee fully and currently informed of our progress in these areas, though for obvious reasons, cannot delve into specifics of the negotiations in open session. I look forward to continuing those discussions with you, particularly as the results of our technical working groups—which soon will deploy to Vienna—become apparent.

In closing, leading nuclear arms control negotiations as Special Presidential Envoy has provided me an even deeper respect for the hard-working men and women at the State Department, particularly those in the “T Family” of bureaus and offices.

Notwithstanding COVID, the T family continuously rises to the challenge. From the Arms Control Verification and Compliance Bureau's efforts to address global WMD proliferation issues to the Bureau of International Security and Nonproliferation's effective responses to proliferation threats and shaping of the international security environment to the outstanding work by the Bureau of Political-Military Affairs to support our global security partnerships on the one hand, and the American defense industrial base on the other, the T family is providing outstanding support to the President's arms control, nonproliferation, and international security priorities. If confirmed as Under Secretary for Arms Control and International Security, I am committed to working with this committee to strengthen the "T Family," the State Department and American national security.

Chairman Risch and Ranking Member Menendez, I greatly appreciate the opportunity afforded by the committee to appear before you today as you consider my nomination.

The CHAIRMAN. Thank you very much, Mr. Billingslea.
We will now hear from Mr. Mahoney.

**STATEMENT OF HON. C.J. MAHONEY, OF KANSAS, TO BE
LEGAL ADVISER OF THE DEPARTMENT OF STATE**

Mr. MAHONEY. Chairman Risch, Ranking Member Menendez, and members of the committee, I thank you and your staff for holding this hearing, and I appreciate the opportunity to speak with you this morning about my nomination to be Legal Adviser at the Department of State.

I would also like to thank my fellow Kansans, Senator Roberts and Senator Moran, for their kind introductions. Our State has long been well represented in the United States Senate. Senator Roberts and Moran are worthy successors to the great Kansans who came before them, most notably my fellow Russell, Kansas native, Senator Bob Dole.

If there is one thing I would like the committee to take away from my comments today, it is this. I do not seek this position because I have some ideological axe to grind. Despite my detour as a trade negotiator for the past 2 years, professionally I think of myself first and foremost as a trial attorney. My only goals, if I am confirmed as Legal Adviser, will be to ensure that policymakers at the Department of State receive the best possible legal advice and to uphold the fine traditions of the Office of the Legal Adviser.

Since its creation in 1931, the Office of the Legal Adviser, or L as it is referred to in the Department, has played a critical role in defending America's rights under international agreements, helping to ensure our own compliance with international law, and offering honest, professional advice to the Department. Over the years, the office has been led by some of the nation's preeminent legal scholars and consistently staffed on the front lines by some of its very best attorneys.

In preparation for this hearing, I reached out to each of the living former legal advisors, Republican and Democrat, going all the way back to the Nixon administration. They provided me with candid advice and invaluable insight into their experiences, both of which I will carry with me into the job, if I am confirmed. And I am honored that several former legal advisors and other State Department and executive branch officials have signed bipartisan letters supporting my nomination.

Before joining USTR, I spent 2 years as a law clerk and over a decade as a lawyer in private practice at Williams & Connolly.

Along the way, I had the good fortune to be mentored by lawyers who represent the very best of the legal profession both in terms of skill and integrity.

First among them is one of my personal heroes, Justice Anthony Kennedy. Justice Kennedy's fairness, personal decency, and concern for individual liberty makes him in my view one of the towering figures in American and international law.

In private practice, I tried commercial and criminal cases in federal courts and before international arbitration panels. I learned the craft of zealous advocacy, but also the importance of strict adherence to the high ethical standards of the profession. I learned that a lawyer is only as effective as he is credible and that, quite often, a lawyer's most important obligation is to tell the client precisely what he does not want to hear. I am proud that 110 of my former law partners, who are arrayed across the political spectrum and known to many of you, have sent the committee a letter testifying to my experience and supporting my nomination.

For the past 2 years, my primary task was the negotiation and implementation of the USMCA. I was one of the principal negotiators in talks with Canada and Mexico and led the administration's efforts to secure congressional passage of the agreement. Working closely with your colleagues on the Finance Committee, Senators Grassley and Wyden, in addition to other members on both sides of the aisle, I helped design and personally negotiated several of the agreement's most important provisions, including the first-of-its-kind rapid response labor enforcement mechanism. I worked extensively for over 2 years with labor, environmental, and business groups to bridge differences and build a broad base of bipartisan support for the new agreement. And in the end, USMCA passed with 90 percent of members in both the House and Senate voting in favor.

As Legal Adviser, I would have a different role, to provide legal advice to the Department, not to set policy. But you have my commitment that I will make myself available to members of this committee to answer your questions and will strive in good faith to support your important policy and oversight work. I submit that my record at USTR lends credibility to that commitment. I am proud to have played a part in bringing about greater bipartisan consensus in trade policy. I like to think that is still possible in foreign policy as well. I am certainly committed to that goal.

In closing, I would like to thank another Kansan, Secretary Pompeo, for the confidence he has placed in me and the President for nominating me to this position. I would like to thank Ambassador Lighthizer for giving me the opportunity to serve under him at USTR, for his friendship, and for supporting me in my next endeavor.

I would also like to thank my wife Becca and my children, Eleanor and Patrick, for supporting my desire to serve in government and for their love and patience.

Members of the committee, I thank you again for this opportunity, and I look forward to your questions.

[The prepared statement of Mr. Mahoney follows:]

PREPARED STATEMENT OF HON. C.J. MAHONEY

Chairman Risch, Ranking Member Menendez, and members of the committee, I thank you and your staff for holding this hearing, and I appreciate the opportunity to speak with you this morning about my nomination to be Legal Adviser at the Department of State.

I'd also like to thank my fellow Kansans, Senator Roberts and Senator Moran, for your kind introductions. Our state has long been well represented in the United States Senate. Senator Roberts and Senator Moran are worthy successors to the great Kansans who came before them, most notably my fellow Russell, Kansas native, Senator Bob Dole.

If there's one thing I'd like the committee to take away from my comments today it is this: I don't seek this position because I have some ideological axe to grind. Despite my detour as a trade negotiator for the past two years, professionally I think of myself first and foremost as a trial attorney. My only goals, if I am confirmed as Legal Adviser, will be to ensure that policymakers at the Department of State receive the best legal advice possible and to uphold the fine traditions of the Office of the Legal Adviser.

Since its creation in 1931, the Office of the Legal Adviser, or L as it is referred to in the Department, has played a critical role in defending America's rights under international agreements, helping to ensure our own compliance with international law, and offering honest, professional advice to the Department. Over the years, the Office has been led by some of the nation's preeminent legal scholars and consistently staffed on the front lines by some of its very best attorneys.

In preparation for this hearing, I reached out to each of the living former legal advisers—Republican and Democrat—going all the way back to the Nixon administration. They provided me with candid advice and invaluable insight into their experiences, both of which I will carry with me into the job if I am confirmed. And I am honored that several former Legal Advisers and other State Department and Executive Branch officials have signed bipartisan letters supporting my nomination.

Before joining USTR, I spent two years as a law clerk and over a decade as a lawyer in private practice at Williams & Connolly. Along the way, I had the good fortune to be mentored by lawyers who represent the very best of the legal profession, both in terms of skill and integrity.

First among them is one of my personal heroes, Justice Anthony Kennedy. Justice Kennedy's fairness, personal decency, and concern for individual liberty makes him, in my view, one of the towering figures in American—and international—law.

In private practice, I tried commercial and criminal cases in federal courts and before international arbitration panels. I learned the craft of zealous advocacy, but also the importance of strict adherence to the high ethical standards of the profession. I learned that a lawyer is only as effective as he is credible and that, quite often, a lawyer's most important obligation is to tell the client precisely what he does not want to hear. I am proud that 110 of my former law partners—who are arrayed across the political spectrum and known to many of you—have sent the committee a letter testifying to my experience and supporting my nomination.

For the past two years, my primary task was the negotiation and implementation of the USMCA. I was one of the principal negotiators in talks with Canada and Mexico, and led the administration's efforts to secure congressional passage of the agreement. Working closely with your colleagues on the Finance Committee, Senators Grassley and Wyden, in addition to many other members on both sides of the aisle, I helped design and personally negotiated several of the agreement's most important provisions, including the first-of-its-kind rapid response labor enforcement mechanism. I worked extensively for over two years with labor, environmental, and business groups to bridge differences and build a broad base of bipartisan support for the new Agreement. And in the end, USMCA passed with 90 percent of members in both the House and Senate voting in favor.

As Legal Adviser, I would have a different focus—to provide legal advice to the Department—not to set policy. But you have my commitment that I will also make myself available to members of this committee to answer your questions and will strive in good faith to support your important policy and oversight work. I submit that my record at USTR lends credibility to that commitment. I'm proud to have played a part in bringing about greater bipartisan consensus in trade policy. I like to think that's possible in foreign policy as well. I am certainly committed to that goal.

In closing, I'd like to thank another Kansan, Secretary Pompeo, for the confidence he has placed in me, and the President for nominating me to this position. I'd like to thank Ambassador Lighthizer—himself an honorary Kansan by virtue of his long association with Senator Dole—for giving me the opportunity to serve under him at

USTR, for his friendship, and for supporting me—albeit begrudgingly—in what I hope is my next job.

Mostly, I'd like to thank my wife Becca and my two children, Eleanor and Patrick, for supporting my desire to serve in government and for their love and patience.

Members of the committee, I thank you again for this opportunity and I look forward to your questions.

The CHAIRMAN. Thank you, Mr. Mahoney.
Mr. Trujillo?

STATEMENT OF HON. CARLOS TRUJILLO, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF STATE, WESTERN HEMISPHERE AFFAIRS

Mr. TRUJILLO. Thank you, Chairman. Chairman Risch, Ranking Member Menendez, and distinguished members, it is an honor to be with you today as President Trump's nominee for Assistant Secretary of State for the Bureau of Western Hemisphere Affairs.

I am humbled and deeply appreciative for this important opportunity. I would like to first take a moment to express my gratitude to God for all his blessings in my life. I would also like to thank my amazing wife Carmen and my son Carlos who are here with me today and our three wonderful children who are watching at home, our friends and our family watching from home today, and those watching from heaven above. Thank you for your love and support.

I would also like to underscore my deep appreciation to this committee and its staff whose diligent work and dedication made this hearing possible in view of some very trying times.

I am also deeply grateful for the trust placed in me by President Trump and Secretary of State Pompeo in putting forth my nomination. I am proud of the opportunity to have served over the course of the last 2 years as Permanent Representative of the United States to the Organization of American States.

I am particularly pleased that the OAS represents an organization whose leadership role has been restored and revitalized, an institution that is working to live up to and preserve the core values and principles whose mission it was meant to uphold, the promotion and defense of democracy, the respect of human rights, and the development and security cooperation on behalf of our citizens. Important institutional reforms have also been implemented to place the organization on firmer footing with effective measures to enhance oversight and accountability.

But for all these achievements and hard-fought gains, great challenges lie before us, and we are reminded each day that the promotion and defense of democracy and human rights, economic opportunity and security for our region requires constant work and dedication to strengthen our regional friendships and alliances in securing a future of greater progress, prosperity, and good will.

The Bureau of Western Hemisphere Affairs is at the forefront of the Trump administration's agenda to work with our hemispheric partners to promote shared security and prosperity, promote democratic governance, and more recently, combat the COVID-19 pandemic which brings with it new challenges for our region and new tests for the resilience of our institutions and economic prosperity.

The President and Secretary are actively engaged in taking action to pursue those ends, and if confirmed, I will be firmly and

tirelessly committed to upholding the United States' historic role and leadership to advance these values and common interests.

The Trump administration has overseen a remarkable shift toward democratic governance in the hemisphere, but Venezuela, Nicaragua, and Cuba unfortunately remain outliers. In Venezuela, we are working to support the will of the Venezuelan people to seek a peaceful transition to free and fair elections. In Nicaragua, we are also calling for free and fair democratic elections. We are increasing pressure on the Castro regime to constrict internal repression capabilities and to stop its interference in other countries.

Our economic engagement with the hemisphere is robust and reflects our interests in remaining the partner of choice for our region. U.S. companies have invested over \$350 billion in Latin America and \$400 billion in Canada. U.S. goods and service trade with the western hemisphere totals nearly \$2 trillion annually.

In 2019, the United States came together with Mexico and Canada to replace NAFTA with the United States-Mexico-Canada Agreement. In December, the White House expanded the Growth in the Americas, or America Crece initiative.

The U.S. International Development Finance Corporation is a critical tool for our prosperity efforts. We expect the DFC to leverage at least \$12 billion worth of investment in the region.

Our initiatives provide the framework for the administration's ability to respond strategically to second and third order effects of the COVID-19 pandemic.

We are also working to counter the malign and undemocratic influences of China and Russia in the western hemisphere. Our approach emphasizes U.S. comparative advantage in economics and security, as well as our shared democratic values with our partners in the region.

In closing, I wish to underscore my firm commitment to the importance of working together closely with this committee, in a spirit of cooperation and common purpose, as we work to advance a foreign policy rooted in a shared vision, a vision of a region of shared heritage, dedication, and sacrifice in the universal struggle for and faith in the values of liberty, and an abiding conviction, courage, and determination to secure the human fulfillment of the hopes and aspirations for a great democratic future for all of our people.

Thank you for your time, and I look forward to your questions.
[The prepared statement of Mr. Trujillo follows:]

PREPARED STATEMENT OF HON. CARLOS TRUJILLO

Chairman Risch, Ranking Member Menendez, and distinguished members, it is an honor to be with you today as President Trump's nominee for Assistant Secretary of State for the Bureau of Western Hemisphere Affairs.

I am humbled and deeply appreciative for this important opportunity. I would like to first take a moment to express my gratitude to God for all His blessings in my life. I would also like to thank my amazing wife Carmen, our four wonderful children, and our friends and family watching from home today for their love and support. I would also like to underscore my deep appreciation to this committee and its Staff members whose diligent work and dedication made this hearing possible in view of these very trying times and extraordinary circumstances.

I am also deeply grateful for the trust placed in me by President Trump and Secretary of State Pompeo in putting forth my nomination, and proud of the opportunity to have served over the course of the last two years as Permanent Representative of the United States to the Organization of American States (OAS).

It has been the greatest honor of my life to serve our great nation and the American people and work to build and strengthen the strong bonds of friendship which today unite us with our democratic partners throughout our hemisphere.

I am particularly pleased that the OAS today represents an organization whose leadership role has been restored and revitalized, an institution that is working to live up to and preserve the core values and principles whose mission it is meant to uphold—the promotion and defense of democracy, respect for human rights, and development and security cooperation on behalf of our citizens. Important institutional reforms have also been implemented to place the organization on firmer footing with effective measures to enhance oversight and accountability.

We have made significant progress in strengthening democratic institutions and support for the work of the Inter-American Commission on Human Rights, and the leadership exercised by the OAS in giving voice to the oppressed people of Venezuela, Cuba and Nicaragua, marks a critical and historic milestone for the organization in its fundamental responsibility to stand up against dictatorships and make real the promise of the Inter-American Democratic Charter for all the peoples of the Americas. This is multilateralism that works.

But for all of these achievements and hard fought gains, great challenges lay before us, and we are reminded each day that the promotion and defense of democracy and human rights, economic opportunity and the security of our region requires constant work and dedication to strengthen our regional friendships and alliances in securing a future of greater progress, prosperity, and good will.

The Bureau of Western Hemisphere Affairs is at the forefront of the Trump administration's agenda to work with our hemispheric partners to promote shared security and prosperity, promote democratic governance, and, more recently, combat the COVID-19 pandemic—which brings with it new challenges for our region and new tests for the resiliency of our institutions and economic prosperity. This in turn calls for concerted regional action.

The President and the Secretary are actively engaged in and taking action to pursue those ends, and we are seeing results in our policy on what the Secretary calls the “Hemisphere of Freedom.” I pledge, that if confirmed, I will be firmly and tirelessly committed to uphold the United States' historic role and leadership to advance these shared values and common interests.

EXPANDING RESPECT FOR DEMOCRACY IN THE HEMISPHERE OF FREEDOM

The Trump administration has overseen a remarkable shift toward democratic governance in the hemisphere, but Venezuela, Nicaragua and Cuba remain outliers. In Venezuela we are supporting the will of the Venezuelan people by seeking a peaceful transition to free and fair elections. In a display of regional solidarity, we the Lima Group and the OAS came out among Guaidó's first supporters in January 2019 and saw the first invocation of the Rio Treaty since September 11, 2001.

The states that are party to the Rio Treaty have approved resolutions that address the former Maduro regime's threat to regional peace, stability and security in Venezuela and the region.

Our goal is to leverage the Rio Treaty mechanism to coordinate peaceful regional action such as multilateral economic sanctions, visa restrictions, and diplomatic pressure to support the restoration of democracy in Venezuela. At the same time as this regional mechanism moves forward, we will continue to provide bilateral support to address Venezuela's humanitarian crisis. To that end, we have committed \$856 million in U.S. assistance.

In Nicaragua, we are also calling for free and fair elections. We stepped up diplomatic pressure and increased sanctions on the Ortega regime, its repressors, and corrupt enablers to push for conditions for free and fair elections and respect for human rights, and we will continue to press for continued engagement by the OAS. Our pressure and diplomatic campaigns are ongoing.

Cuba actively undermines democracy in the region by exporting dictatorship, committing human rights abuses, trafficking in medical workers, and abusing opposition figures. We are increasing pressure on the Castro regime to constrict internal repressive capabilities and stop its interference in other countries by restricting key sources of revenue, including foreign investment, travel to the island, and the Cuban medical missions program.

INCREASING PROSPERITY

In keeping with our commitment to democracy and prosperity in the region, we look forward to free, fair, and transparent elections in Bolivia—with international observation, including the OAS—that reflect the will of the Bolivian people.

If confirmed, I would also look forward to working with the Haitian Government to meet the needs of the Haitian people by urgently addressing public security, re-starting economic growth, and organizing free, fair, and credible legislative elections as soon as technically feasible.

More broadly, in the Caribbean, I believe it is important that we build on Secretary Pompeo's message during his visit to Kingston, Jamaica earlier this year in which he underscored the United States' commitment to work together to build closer ties and strengthen our bonds of friendship and cooperation. It is important also to recognize the important role of key Caribbean countries in the successful reelection of OAS Secretary General Luis Almagro to secure strong leadership for the organization.

In addition, if confirmed, I would ensure all necessary capacity of the Bureau of Western Hemisphere Affairs is available to support the White House in hosting a successful Summit of the Americas in 2021, as announced by Vice President Pence at the Summit in Lima in 2018. Serving as Summit host provides opportunity for the United States to work closely with our democratic partners to set a constructive and productive hemispheric agenda moving forward.

The United States continues to work with the democratic governments and institutions of the Americas to realize the promise of the Lima Commitment—adopted at the 2018 Summit—and to enhance the ability of civil society to monitor governments' implementation of their anticorruption commitments.

Our work to reduce corruption is vital to our vision of a hemisphere of freedom, and the United States remains committed to combatting corruption in the Western Hemisphere and to the promotion of integrity, transparency, and accountability.

Corruption erodes the foundations of a stable, prosperous, and well-governed societies. Combatting corruption and impunity is key to upholding democracy, improving civilian security, and establishing the enabling economic environment to create jobs and erode the influence of transnational criminal organizations.

Our economic engagement with the hemisphere is robust and reflects our interest in remaining the partner of choice with our neighbors.

U.S. companies have invested \$350 billion in Latin America and \$400 billion in Canada. U.S. goods and services trade with the Western Hemisphere totals nearly \$2 trillion annually.

In 2019, the United States came together with Mexico and Canada to replace NAFTA with the United States-Mexico-Canada Agreement (USMCA), which will increase middle-class jobs in manufacturing, agriculture, and digital trade, while bolstering North America's competitiveness as a global economic powerhouse.

In December, the White House expanded the Growth in the Americas or America Crece initiative, which seeks to foster economic growth by catalyzing private sector investment in energy and other infrastructure across Latin America and the Caribbean. To date, we have signed MOUs with eight partner countries: Panama, Chile, Jamaica, Argentina, Colombia, and most recently El Salvador, Ecuador, and Brazil.

The U.S. International Development Finance Corporation (DFC) is a critical tool for our prosperity efforts. We expect the DFC to leverage at least \$12 billion worth of investment in the region. We are working to create the economic environment in the region to leverage DFC investment.

All these initiatives also provide the framework for the administration's ability to respond strategically to the second and third order effects of the COVID-19 pandemic. We will continue to be the partner of choice in helping the region overcome this challenge, as well.

COMBATTING ILLEGAL IMMIGRATION AND PROMOTING SECURITY

The administration is working closely with our Mexican and Central American partners to secure the U.S. southern border and combat illegal immigration into the United States.

The U.S.-Mexico Joint Declaration was signed June 7, 2019, to address the shared challenges of irregular migration, especially the large numbers of immigrants seeking to enter the United States illegally. As part of its commitments, Mexico deployed its National Guard to enforce its borders. Mexico also agreed to support the expansion of the Migrant Protection Protocols across our shared border.

In 2019, the United States secured significantly greater cooperation from El Salvador, Guatemala, and Honduras in addressing the humanitarian and security crisis at the U.S. southern border. That collaboration included the signing of multiple agreements and arrangements to enhance cooperation on border security, expand information sharing, promote access to legal temporary employment in the United States, and improve asylum capacities to help protect vulnerable populations.

As a result of these joint, regional efforts, we achieved a 77 percent decrease in the number of irregular migrants arriving at the U.S. southern border from May 2019 to June 2020.

In response to these increased efforts by Central American governments, the administration resumed targeted assistance this spring for El Salvador, Guatemala, and Honduras. Assuming such cooperation continues, the administration intends to continue distributing additional assistance.

The administration and the Bureau of Western Hemisphere Affairs will continue working to address border security as well as other security threats in the region, including transnational criminal organizations in Mexico and Central America.

Assistance programs in the region such as the Caribbean Basin Security Initiative, Merida in Mexico and our security partnership with Colombia combine security and development to enhance partner capacity and deny Transnational Criminal Organizations (TCOs) permissive environments.

The administration's approach is grounded in encouraging adoption of a shared responsibility for addressing security challenges and requires demonstrable political will from our partners.

COUNTERING MALIGN INFLUENCES

We are also working to counter the malign, undemocratic influences of China and Russia in the Western Hemisphere. Our approach emphasizes U.S. comparative advantages in economics and security, as well as our shared democratic values with our partners in the region. We must also continue to ensure international space for our democratic partner Taiwan in our hemisphere. Indeed, the Western Hemisphere is home to nine of Taiwan's remaining diplomatic partners.

CLOSING

I have had the privilege to work closely with my colleagues in the Bureau of Western Hemisphere Affairs. I have been proud to be part of this team and, if confirmed, I look forward to leading the team in further advancing the Trump administration's agenda for the Americas.

I also wish to underscore my firm commitment to the importance of working together closely with this committee, in a spirit of cooperation and common purpose, as we work to advance a foreign policy rooted in a shared vision—a vision of a region of shared heritage, dedication and sacrifice in the universal struggle for and faith in the values of liberty, united in peace and prosperity, whose governments honor, guarantee and respect the fundamental freedoms and human dignity of each individual, and an abiding conviction, courage and determination to secure the human fulfillment of the hopes and aspirations for a greater democratic future for all of our peoples. Thank you for your time today.

I am happy to answer your questions.

The CHAIRMAN. Thank you much.

We will now do a round of questioning, and I am going to start briefly with Mr. Billingslea.

First of all, thank you for taking the time previously to meet with this committee in a classified setting to talk about arms negotiations. And I agree with the ranking member that we are not spending enough time on policy but way more time than we should on confirmations. But in my judgment, it is obviously important that we get a government stood up.

Having said that, we are where we are, and I think every member of this committee is deeply, deeply committed to having successful negotiations with our adversaries when it comes to arms control.

Ten years ago, we sat here and went through this as New START was negotiated. A lot of us had issues with it, still do. A lot of us had issues with the entity on the other side that we were negotiating with and still do.

But the game has changed and it has changed dramatically. This is a seasoned relationship that regardless of what the treaty says,

has aspects that are in all likelihood going to prevent us from having an accident where we get into it with the Russians.

Unfortunately, we are now in a position where another near-peer contender is on the scene, and that is China. And they are—as you have indicated and I think as people acknowledge and the Chinese themselves acknowledge, they just simply are not interested in doing these kinds of negotiations. We know that when you are talking about really these existential issues, that we need understandings and agreements and negotiations with the adversaries.

So, again, I do not want to dwell on this, but I would appreciate it if you could give us your thoughts on the fact that this is probably going to be bilateral as opposed to trilateral and what we can do to try to encourage to get to eventually a trilateral position. I think we would be better off if we had a better good faith partner than we do with the New START treaty. But nonetheless, we are where we are. So your thoughts please, Mr. Billingslea.

Mr. BILLINGSLEA. Thank you, Chairman.

As you point out, a lot has changed in the previous decade since the negotiation of the New START treaty. There were some things known at the time and things that could have been foreseen, and then there were a large number of things that could not have been foreseen as our negotiators were hammering out the details of the New START treaty.

I think one of the things that could not have been foreseen would be that just 3 years after the Senate acted on that treaty, President Putin began his campaign to seize Crimea, to invade and destabilize Ukraine. And then we saw a string of malign Russian activities erupt across the globe, including manipulation of our elections, meddling in Venezuela to prop up Maduro, support for the Assad regime and its barbaric chemical attacks against the Syrian people, and the litany just goes on and on, the Skripal attack in broad daylight using the novichok nerve agent.

When the Soviet Union invaded Afghanistan, that effectively derailed the SALT II treaty. If Putin had acted 3 years earlier, I am sure it would have had implications for consideration of New START.

We also have now learned that the Russian Government was plotting systemically to violate the INF Treaty for more than a decade, and that they were developing novel doomsday systems that are designed not to be captured by the New START treaty limits.

So these are examples of things that do influence the security environment, and some of the particulars of what we need to negotiate bilaterally with the Russians.

But the other thing that could not have been foreseen or was not foreseen at the time would be what we now know is a secretive and unconstrained Chinese buildup of its nuclear arsenal. And as you say, that means in effect that we have to modernize our approach to nuclear arms control to cover, in effect, an emerging trilateral dynamic. And so while I do agree that probably we will see progress in bilateral channels, perhaps certainly with the Russians I think and perhaps bilaterally with the Chinese, those paths ultimately need to converge, and they need to converge in the direction of a trilateral arms control arrangement that brings back many of the most effective verification mechanisms that we once had under

the original START treaty and which also address the unconstrained warheads that Russia is now building, not just the novel doomsday systems but a whole manner of battlefield type nuclear weapons which it doctrinally would plan to use in a first-use scenario against our NATO allies.

So these are the three key pillars of how we are approaching the negotiations.

Later this afternoon, I will be talking with the heads of our delegations, three different working groups, who will shortly be headed to Vienna to undertake the detailed discussions with the Russians on these matters and on the matter of space and weaponization of space, which is another major issue of concern.

And then separately, I still hold out hope that the Chinese will come to the negotiating table. I think it is in their best interest to do so, but in the interim, we will certainly continue to highlight the alarming number of activities in which they are engaged.

The CHAIRMAN. Thank you, Mr. Billingslea.

Senator Menendez?

Senator MENENDEZ. Thank you, Mr. Chairman.

Let me ask all three of you, and I ask you to answer quickly a yes or no to the following two questions.

If confirmed, do you commit to making yourself available to members of the committee and staff to answer questions and engage on matters of substance in an open and timely fashion?

Mr. BILLINGSLEA. Yes.

Mr. MAHONEY. Yes.

Mr. TRUJILLO. Yes.

Senator MENENDEZ. There has been a concerning trend under this administration of attacking and retaliating against career public servants, particularly at the State Department. Some have been reassigned based on assumptions about their political affiliation or national origin. Others have been labeled, "disloyal." Some have been called out publicly as "radical unelected bureaucrats" by senior administration officials.

As someone who has spent his entire congressional career doing foreign policy, I cannot think of anything that is more cancerous for the Department or career employees across the Government.

If confirmed, do you commit to making clear to all the employees under your authority that any retaliation, black-listing, or other prohibited personnel practices will not be tolerated?

Mr. BILLINGSLEA. I do.

Mr. MAHONEY. I do.

Mr. TRUJILLO. I do, Senator.

Senator MENENDEZ. Thank you.

Now, Mr. Mahoney, I have great respect for the Legal Adviser's Office. I am also impressed by your legal resume. And while you may not seem to be experienced on the issues that will be front and center at your role at State, if confirmed, I suspect you will be a quick study. So let me ask you a few questions.

I understand that when you met with my staff, you emphasized a willingness to engage with the committee, and I appreciate that. I am submitting for the record a letter I sent to the Secretary last month outlining more than 60 requests that the Department has failed to fully respond to.

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

Senator MENENDEZ. Many of those were on issues of a legal nature that your office would be involved in. And I want to make clear that this list of outstanding requests is not what engagement looks like, and I expect to hold you to your commitment.

Let me flag two issues specifically.

First, as you know, the administration has refused for almost a year to provide this committee with copies of all of the agreements, arrangements, and associated documents that it has negotiated with Mexico and the Northern Triangle. There is no legal or policy basis to block Congress or the public from these materials. The administration is simply trying to hide them. So I am going to continue to pursue this matter, and if confirmed, I would expect you to work with me and my staff to get the documents before the committee.

Second, what is your reaction to the fact that the Department has not produced a single document related to the decision to withhold U.S. security assistance to Ukraine, which jeopardized critical funds to counter Kremlin aggression, but the Department quickly handed over thousands of pages related to requests about Vice President Biden and unsupported theories about Ukrainian interference in U.S. elections?

Mr. MAHONEY. Senator, I obviously was not involved in any of those decisions, but I will tell you I do not think oversight matters ought to be handled in a partisan way. I do not think that the committee or the party affiliation of the chairman should influence how those matters are handled.

Now, obviously, as you know from having served in this body and in the House for many years, disagreements between the executive and legislative branches on document production are not infrequent. But I can give you my commitment that to the extent I am involved in these matters, I will do so in an evenhanded way. I will try to work with you and your staff in good faith to reach accommodations that get you the information that you need to perform your important policy and oversight work.

Senator MENENDEZ. Okay. I appreciate that answer.

I understand there are always disagreements, but these are 60 requests from this committee, longstanding.

Do you think it is appropriate executive branch responsiveness to Congress to deny virtually on all occasions the requests for documents and information?

Mr. MAHONEY. Senator, because I have not been involved in this, I do not want to characterize the position.

Now, what you just said, is it appropriate to reflexively deny all requests, no, that is not appropriate. And that would not be the tack that I would take.

Senator MENENDEZ. Let me ask you this. Do you commit to review any future release of documents where the Department intends to hand over documents to one party but not the other?

Mr. MAHONEY. Senator, I am not sure I understand the question.

Senator MENENDEZ. So we have had situations where it seems that one party can get documents from the Department but another party cannot. Do you commit to review any future release of

documents where the Department intends to hand over the documents to one party but not the other?

Mr. MAHONEY. Senator, I commit to handling all these things in an evenhanded fashion without regard to party.

Senator MENENDEZ. Well, something is clearly amiss because responsiveness to Congress means all of Congress, not one party, not just certain chairmen, and not just to further the President's chosen political narratives. As Legal Adviser under the Secretary, you will be on the hook to make sure that the State Department is not weaponized in support of the President's reelection more than it has already been. And I hope that you will be up to that task.

As is well documented, Secretary Pompeo played a key role in the Trump Ukraine scandal, including listening in on the infamous quid pro quo call between Trump and President Zelensky.

More recently, the Secretary was involved in the firing of State Department Inspector General Linick. At the time of the firing, the Secretary was under investigation by the Inspector General.

Despite his personal involvement in each of those episodes, the Secretary did not recuse himself from congressional investigations into these matters.

Does that comport with your view of good government?

Mr. MAHONEY. Senator, the question of whether recusals are merited is obviously fact-specific. I am aware of both of those instances. I understand your interest in them.

My view is that going forward, we should work with the Congress to try to get you answers to your questions, to the extent that that is possible, in a manner that is consistent with Department policy and due respect for executive branch equities.

Senator MENENDEZ. I am not even asking you for a legal opinion. I am asking you from a common sense perspective. Is sometimes the appearance of conflict not equally as important as the conflict itself?

Mr. MAHONEY. I would agree with that, Senator. I think you always need to be concerned with the appearance of conflict in any situation where judgments might be called into question.

Senator MENENDEZ. Let me ask you this. The role of Legal Adviser is somewhat unique in our government. If confirmed, you will not just be the general counsel for the State Department, you will also be the chief international legal diplomat for the United States. I am interested in how you plan to approach the second role, which requires respect for both domestic and international law, as well as for the rule of law generally. What will be your priorities in this area, and how do you expect to accomplish them given the reality of a President that, from my perspective, subverts the rule of law at home and abroad in light of the way we have engaged with the rest of the world and what we are seeing happening in Portland and other places? How do you envision your ability to deal in that reality, and what are going to be your priorities in this regard?

Mr. MAHONEY. Senator, I think it is very important that the United States adhere to its international law obligations. That is one of the key tasks of the Legal Adviser and that is something that I would take quite seriously.

There are a number of issues that the office is dealing with right now with regard—a number of human rights issues with regard to

China, for example, as well as implementing recent legislation on Hong Kong. That would be a priority for me.

There are ongoing discussions about international law as it applies to space, as well as to cyber. That is something else that I would be interested in.

But, Senator, the most important thing, as I see it, for the Legal Adviser to do is to offer honest professional advice on all of the topics that reach the Secretary, and that for me will be my first and foremost priority.

Senator MENENDEZ. And then finally, Mr. Chairman, I do not have any idea what my time is. This keeps moving around.

The CHAIRMAN. It is a real benefit for you.

[Laughter.]

Senator MENENDEZ. I am really appreciative of you continuously giving me 5 minutes.

The CHAIRMAN. It is part of the chairman's generosity.

Senator MENENDEZ. To my colleagues, I will just finish with Mr. Mahoney on this line of questions, and then I will reserve my questions for the other candidates when everyone else goes through.

I would like to get a series of commitments from you, if I can, Mr. Mahoney. Either a yes or no will do.

If you are confirmed, do you commit not to influence, interfere with, or seek to stop any ongoing Inspector General investigation into the Department or the Secretary?

Mr. MAHONEY. Yes, I commit to that.

Senator MENENDEZ. Do you commit to give your best objective legal advice, as informed by the facts and the law independent of political or electoral consequences?

Mr. MAHONEY. Absolutely, Senator.

Senator MENENDEZ. Do you commit to do so even if it puts you at odds with the Secretary or the President?

Mr. MAHONEY. Senator, I think that that is the duty of every attorney. Yes.

Senator MENENDEZ. Do you commit to formally recommend against taking any action that you believe will violate the law, even if it means disagreeing with the President or the Secretary?

Mr. MAHONEY. Yes.

Senator MENENDEZ. If you are in such a moment—I hope you are not—but if you are in such a moment, will you write a memo outlining your objection?

Mr. MAHONEY. Senator, I do not want to speculate on exactly how I would handle that situation. But I am not going to do anything that I think is illegal. I am not going to do anything that is immoral. I believe that I can serve well and honorably in this position, and that is what I intend to do.

Senator MENENDEZ. Do you commit to report to proper authorities, including the FBI Inspector General and Congress, any credible allegations of foreign interference in U.S. elections?

Mr. MAHONEY. Yes.

Senator MENENDEZ. And finally, do you commit to report to proper authorities, including the FBI Inspector General and Congress, any attempts by foreign or private individuals to improperly influence U.S. foreign policy, particularly if you have reason to believe those efforts are adverse to U.S. interests?

Mr. MAHONEY. Yes.

Senator MENENDEZ. All right, Mr. Chairman. Thank you for your answers.

The CHAIRMAN. Thank you.

Senator Portman?

Senator PORTMAN. Thank you, Mr. Chairman. I want to thank you for holding this hearing today, and I want to thank my colleagues for being here. This is important; this is one of our responsibilities. We talked earlier about what this committee is supposed to be doing. One of those things is ensuring that well qualified candidates have the opportunity to serve their country, particularly at the State Department. The Department of State is understaffed, and they need help. I am glad that these three individuals have chosen to step up and serve. All three of these men are highly qualified and have been waiting a long, long time for this hearing. We have got to be sure that we are addressing this backlog. Again, I appreciate my colleagues being here, from both sides of the aisle, and I thank the chairman for holding this hearing.

I have a letter regarding C.J. Mahoney. Some of you have seen it. It is a letter of recommendation, a bipartisan tribute to C.J. signed by former USTR and State Department officials who served in the George H.W. Bush, Clinton, G.W. Bush, and Obama administrations. I would ask, Mr. Chairman, unanimous consent that this be part of the record.

The CHAIRMAN. It will be included.

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

Senator PORTMAN. I have some perspective on C.J.'s background. He served at the State Department Legal Adviser's Office back when I was in law school, and then some 22 or so years later as U.S. Trade Representative. His most recent job was being deputy there, and he did a great job on USMCA and other matters, as has been said.

As our colleagues have said during the introductions of C.J., he is particularly well suited for this role. His background, his experience, his accomplishments, his intellect, his judgment, and I would say his temperament and bipartisan approach that we have seen even today is important. So let us be sure and move quickly on this nomination, as well as the other two that I plan to support today because, again, we want these good people to be in place helping our country at this time.

C.J., my question to you is about the ICC. The International Criminal Court has made a recent decision to investigate Israel for alleged crimes in the West Bank and also in Jerusalem, also in Gaza. And as you know, Israel is not even a signatory to the Rome Statute.

Second, the ICC has no jurisdiction over disputed territory, has not in the past, and under its own rules, can only initiate actions that are brought by states, and this action was brought by the Palestinian Authority, not a state.

I have worked with my colleague, Ben Cardin, who is here today, to put together a letter to your future boss I hope, Secretary Pompeo, on this issue. By the way, it received enormous bipartisan

support. Sixty-seven of our colleagues signed the letter, including I think all members of this committee who are here today.

I ask you about this because to me this is an example not just of them not following the rules at the ICC, it is being politicized, and the politicization of the ICC has been a concern in Republican and Democrat administrations alike. Frankly, that is why we have not joined.

What about the ICC's recent decision to pursue an investigation into war crimes against U.S. and allied troops for actions in Afghanistan, again even though the United States in this case is not even a signatory to the Rome Statute.

So if confirmed, do you pledge to continue to push back against these efforts by the ICC to expand its legal mandate and to protect the United States and its troops and our allies from politically motivated prosecutions?

Mr. MAHONEY. Absolutely, Senator.

Senator PORTMAN. I appreciate that.

Ambassador Trujillo, we have been hard hit by this opioid epidemic in my home state of Ohio—and around the country. A number of us on the committee have focused on this issue. Unfortunately, what we are seeing right now with the coronavirus pandemic is more drug addiction, more overdoses, more overdose deaths—and this is troubling. It is partly because of the isolation and also partly because of the lack of access to treatment, at least face to face.

The DEA just came out with their most recent threat assessment, saying that meth, crystal meth, cocaine, heroin are all predominantly produced in the areas you are going to have jurisdiction over, Central America, South America, and smuggled into the U.S.

They have also made the point that the deadliest opioid, fentanyl, is increasingly coming in over our southern border.

We have a role here at the State Department to crack down on this transnational, criminal organization activity. What do you plan to do in your new job to cut down on this drug trafficking across our border? Specifically, what do you plan to do and will this be part of what you view as your mission in this new job?

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

Absolutely, I think the forefront of our mission is keeping Americans safe. I agree with you that fentanyl is by far the most deadly. A lot of those precursor chemicals, unfortunately, are coming from China. It would be my responsibility, if confirmed by this committee, by the Senate, of working with our Mexican counterparts to identify those precursor criminals to disrupt those transnational criminal organizations and working with some of the tools we have in place through INL and other law enforcement agencies to make sure that we keep those drugs off of our American streets.

Senator PORTMAN. Thank you. I hope you will make that a personal commitment and a passion in this job because I think there is a great opportunity for us to do more working with DHS and the State Department.

One final question, if I could, Mr. Chairman. Ambassador Billingslea, there are so many issues to talk to you about but one would be hypersonic weapons. You might know that in the NDAA, the legislation currently before us in the Senate, we have lan-

guage—Senator Brown and I—to increase the need for hypersonic testing facilities to include non-DOD facilities. There is one in Ohio called Plum Brook that is ideally situated to help.

But what do you think about hypersonic weapons? What are our adversaries' capabilities here? I hear some things that, frankly, are very concerning. And what can we do to ensure that we are ready to meet the global challenge of hypersonic weapon competition?

Mr. BILLINGSLEA. Thank you, Senator. You are putting your finger on one of the new emerging technologies that is going to redefine both our conventional strike capabilities, as well as ultimately the nuclear deterrent forces at least with the Russians and possibly the Chinese.

I would say without having looked at the specifics of your legislation, we have an urgent need to robustly test a number of emerging hypersonic glide vehicle technologies that are coming online both with the Army, the Navy, and potentially even the Air Force. We are, I think it is fair to say, behind when it comes to the Chinese testing program in particular. And the Russians have actually already deployed two nuclear hypersonic weapons on their heavy ICBMs, and I expect more to come as the Russians bring online an even larger ICBM called the Sarmat where they will be able to hang multiple of these weapons on them.

Hypersonics offer a number of advantages. The United States I do not believe is pursuing nuclear weapons in that respect, but conventional armed hypersonics. And these will be I think important equalizers for us particularly in the Asia-Pacific region.

Senator PORTMAN. Thank you. We will get you the language of that amendment, and I appreciate your commitment to ensuring we can stay up with the competition.

The CHAIRMAN. Thank you, Senator Portman.

The clock has now been fixed. So we are off the honor system and back on the clock.

[Laughter.]

The CHAIRMAN. Senator Cardin?

Senator CARDIN. It seems like we should equalize the same number on each side.

The CHAIRMAN. You will find the chairman very generous in this regard.

Senator CARDIN. Thank you, Mr. Chairman.

And let me thank all three of our nominees for their willingness to serve our country.

Let me thank Senator Portman for raising the ICC issue, and Mr. Mahoney, thank you for your response.

Mr. Mahoney, I want to follow up on Senator Menendez's point. I am very impressed by your resume and your responses. It is exactly what I think we want to hear. Senator Menendez was concentrating on response to requests from Congress.

I want to talk a little bit about the advantage we have in America because of the independent branches of government. And it is particularly important on foreign policy, where we generally have the same objectives in foreign policy, the legislative branch and the executive branch. And we have been able to use the independence to advance U.S. values globally because the administration rightly points out to our allies that Congress is independent and, therefore,

what Congress is demanding the administration needs to deliver. And that has been important on human rights. It has been important on a lot of other issues with strategic partners where we have to have a relationship and Congress can push that relationship to support our values. That is why it is critically important that we get the information we need to be a constructive partner.

And Senator Menendez is talking about response to information, which is an important part. I want to talk about involving us. Under both Democratic and Republican chairmen of this committee, we have gotten advance notices of information that is important for us to understand to calculate in order to represent America by our representation in the Senate. I recall specifically the Iran Nuclear Agreement—not necessarily a noncontroversial agreement—where we had partisan differences on that agreement. The prior administration gave all of us, regardless of party, in-depth information so that we understood the dynamics and could reinforce American values. That was critically important.

Today we are asking you questions because we find out through the news media not through the type of transparency that should be involved in both branches that want to advance the interests of the United States. And I see you are responding in a favorable way. I just really want to make that point and hope that you will be a voice within the administration that recognizes that value in American democracy that we add to the global community and that we can get you, as an advocate, to say “keep Congress involved. We are all on the same team.”

Your response.

Mr. MAHONEY. Well, Senator, as you noted from my nodding, I agree with, I think, everything that you said, and I would note a couple things.

Number one, as someone who is kind of an amateur student of history, I look back fondly at the work that was done in the aftermath of the Second World War by General Marshall, Secretary Acheson, and Senator Vandenberg, the former chairman of this committee, to try to craft a bipartisan foreign policy. I think that our posture in the Cold War was much stronger as a result of that. I would like to get back to that.

All I can offer you to bolster that commitment is my record at USTR where we have worked—and I personally—I probably spent more time with Democratic Members of Congress—

Senator CARDIN. It is a good example. I benefited from that experience, and the agreement was much stronger and it did include a lot of priorities of our country.

I would just urge you to recognize that we need to have the information in a timely way, and you have to make that available. You are legally obligated, I think, to do it, but it just does not make sense to do it any other way than that. So I hope you will be a strong voice in that regard.

Mr. Trujillo, I want to first thank you for your work at OAS. One of the advantages we have in the OSCE is that we do have robust legislative participation, and because they are independent branches, we can leverage that within the OSCE for greater effectiveness of America’s interests. We want to do the same in OAS, and I thank you for your help. We have legislation that is moving

through here, and I hope that under your new title, you will help us in getting that legislation and implementing that legislation to the finish line.

I want to mention one other issue if I might, and that is the Caribbean nations. There are a lot of Caribbean nations. They each get a vote in the United Nations. There is outside interests outside of our hemisphere and influencing the Caribbean states. Is it not time that we reevaluate our commitment to the Caribbean states and have a stronger strategy to try to get more friends among those island states than we have today?

Mr. TRUJILLO. Thank you, Senator, for your question.

I completely agree. Throughout my time at the OAS, one of the efforts I have undertaken is working with the Caribbean countries. For the election of Secretary-General Almagro which took place just 3 months ago, almost half the Caribbean countries supported us in those efforts. When it comes to Venezuela or Nicaragua, we are seeing an increased support from the Caribbean. And they are also a great security partner with the Caribbean Basin Security Initiative. So if confirmed, I will definitely continue to work with the Caribbean and some of the resiliency challenges they face, some of the correspondent banking challenges they face, and also some of the economic development changes that they will face post COVID.

Senator CARDIN. And it would be nice to have a closer ally in the United Nations on some of those votes with the Caribbean states than they are doing now. I think that is an area that we have not pushed hard enough to get stronger global support from some of our closest neighboring states.

Mr. TRUJILLO. I agree. We have St. Kitts and Nevis, St. Vincent and the Grenadines, and St. Lucia who all recognize Taiwan. And they are very good partners when it comes to human rights issues and other issues, and we should continue to work with them.

Senator CARDIN. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Cardin.

Senator Barrasso?

Senator BARRASSO. Thank you, Mr. Chairman.

Mr. Billingslea, thank you for the briefing that you did with a number of us prior to your trip overseas. Thanks for visiting with me when you got back.

I just have a couple questions on a couple of different things.

Iran arms embargo. Under the 2015 nuclear deal with Iran, the Obama administration agreed to lift the U.N. arms embargo on Iran after a number of years, after 5 years. U.N. restrictions on the export and import of conventional weapons to Iran are set to expire October 18th of this year, coming up now in the next couple of months. The international community giving Iran the green light to purchase advanced weapons, transfer weapons to terrorists I believe threatens the security of not just the United States but our allies and folks around the world.

Brian Hook, who is the U.S. Special Representative to Iran, correctly explained that we are risking Iran becoming the arms dealer of choice for rogue regimes and terrorist organizations around the world. And the Trump administration is working on a new U.N. Se-

curity Council resolution to extend the arms embargo on Iran and do it indefinitely.

Given Iran's increasing aggression, what are the risks of failing to extend the U.N. arms embargo and export ban, and how do you recommend the United States respond if these international restrictions are lifted?

Mr. BILLINGSLEA. Senator, you are highlighting an emerging existential threat to the United States with the potential expiration of the U.N. arms embargo on Iran. That is of the highest priority for the Secretary. He has made clear that the embargo must be extended and that things such as snapback of the sanctions are legally available to this administration under the terms on the face of the U.N. Security Council resolutions.

If we fail to extend the arms embargo, a number of damaging trend lines begin to emerge. In particular, we have spent an enormous effort—I in my prior capacity at the Department of the Treasury in particular have spent an enormous amount of time drying up revenue streams but also impairing the ability of Iranian networks to source these kinds of weapons. They have been forced to do so illegally because of the U.N. embargo. If it suddenly becomes legal to export these weapons to the Iranians, all of that work falls by the wayside or much of that work falls by the wayside.

Moreover, we have to understand what the Iranians then do with these types of weapons. They turn around and supply them to their proxy groups. So we worry greatly, together with the Israelis, for instance, regarding precision-guided munitions that Hezbollah has been given by the Iranians. There is no reason to believe the Iranians would not turn around and source additional weaponry from Russia and China right back to their terror proxies, the Houthis in Yemen, the Hamas and Palestinian Islamic jihad organizations. And oh, by the way, we have to watch out what is happening in Venezuela.

Carlos and I have worked very closely together over the years, and I will support him. I was just in the Caribbean in one of my last Treasury roles, and I will look forward, if confirmed by this committee, to having the T family bureau, particularly the Political-Military Affairs Bureau in strong support of our regional bureaus.

Senator BARRASSO. I wanted to switch briefly to missile defense. And during the New START treaty debate, there was a lot of discussion about the importance of U.S. missile defense. As our country continues to face threats from around the world, I mean, it is critical that we do not restrict our own U.S. missile defense options. So the United States I believe must remain in charge of our own missile defense, not Russia, not other countries, as we negotiate.

So I am asking if you would commit to me that in any arms control discussions with Russia for which you would be responsible that the United States will not agree to limit our own ability to defend ourselves.

Mr. BILLINGSLEA. Senator, absolutely. The President has made clear he will not accept limitations on missile defense.

Senator BARRASSO. And then with regard to the new Russian strategic weapons that we have had a chance to discuss in a different setting, Russia is developing a number of new kinds of strategic nuclear weapons to evade or to penetrate our own ballistic missile defenses. In March of 2016, President Putin announced Russia's development of new strategic nuclear weapons that he believes he said will render U.S. missile defenses useless. I have raised these questions in this committee to others prior to this today.

The weapons include a nuclear-powered cruise missile, a nuclear-powered underwater drone that could be armed with a nuclear warhead, and a hypersonic missile.

Under article 5 of the New START, parties can raise their concerns about new types of strategic offensive weapons under the bilateral consultative commission.

Has the administration, do you know, raised concerns about the new types of weapons under this commission, and does the administration believe that these new strategic nuclear weapons should be covered under, say, a New START extension?

Mr. BILLINGSLEA. Senator, it is a mixed bag. Some of these weapons will be covered simply because in the case of the nuclear hypersonics, when they put them on that ICBM, they become captured. And we have made clear that that is the case and it is not open for negotiation.

But other of these weapons—I would not want to say they should be captured—we frankly do not think these weapons should exist at all. Why on earth would you have a nuclear-powered, nuclear-tipped cruise missile? That is nothing more than a flying Chernobyl. Just think about the radioactive plume that it would generate as it circles. There is no good argument. There is no good logic for having these kinds of doomsday systems. And I have been very clear with my Russian counterpart that these are enormous wastes of funds and they ought to cease and desist and abandon these kinds of destabilizing ideas.

Senator BARRASSO. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Well said, Mr. Billingslea. Thank you, Senator Barrasso.

We will move to Senator Shaheen.

Senator SHAHEEN. Thank you, Mr. Chairman.

And thank you to the three of you for your testimony today and for your willingness to consider appointments to these very important positions.

Mr. Trujillo, I want to start with you because I have been approached by a number of federal employees who were posted to either Cuba or China where they received devastating brain injuries because of the attacks on our embassies in both of those countries. Unfortunately, many of these individuals are still paying out of pocket for the medical bills related to these injuries, and there is currently legislation that Senators Risch and Menendez have worked with me on to provide these employees with long-term benefits to account for lost wages and uncovered medical expenses.

Can you tell me if you have been briefed about the situation with our embassies in both Cuba and China, and if you are confirmed,

will you commit to ensuring that these employees, once this legislation passes—and I believe it will pass—will be able to access the benefits that were granted to them by Congress in the 2020 appropriations bill?

Mr. TRUJILLO. Thank you, Senator.

I have been briefed at a high level on the sonic attacks that took place in Cuba, and I do make that commitment on the latter.

Senator SHAHEEN. Thank you very much.

Mr. Billingslea, I appreciate the administration's interest and share it on the issues that Senator Barrasso raised with respect to trying to expand New START, any extent of New START to wider negotiations with Russia to looking at China and seeing how we might be able to engage China in a nuclear agreement.

However, the question that I have is how best to do that. And I had the opportunity as a member of the Armed Services Committee to ask both General Hyten, the current Vice Chairman of the Joint Chiefs and former Commander of USSTRATCOM, and Admiral Charles Richard, the current Commander of USSTRATCOM, about the importance of the New START treaty. And both of these generals agreed that the treaty serves our national security interests, not the Russians' but our national security interests. And they give us transparency into Russia's current and planned nuclear forces.

So given the importance of that and the ability to go ahead and provisionally extend this treaty without having to come back to Congress and given the challenges that we are experiencing with trying to further engage China and address other issues, explain to me the rationale of the administration in thinking that we should just let this drop and then go back to the drawing boards and start all over again when we could continue to address the nuclear aspect of that treaty in a way that is in our national security interest.

Mr. BILLINGSLEA. Thank you, Senator.

We had a chance to talk a little bit about this in closed session.

Senator SHAHEEN. Yes. I was not convinced then, so see if you can convince me now.

Mr. BILLINGSLEA. Well, I will want to be a little circumspect in open session on matters that would touch our negotiating position.

But suffice to say that we have not arrived at a decision one way or another on extension of the agreement and, if so, for what period of time. What is clear to us is that we need today to begin laying the antecedents for the next arms control agreement and that it would be we have waited too long and it will be too late if we wait for China to have built up in the direction that they are going, perhaps even pursuing some form of parity with us, qualitatively or quantitatively. We seek to forestall that.

I am in routine contact with both General Hyten and our STRATCOM Commander because their views and their input are very heavily factored in. In fact, they are co-leading the delegations that are headed to Vienna next week with senior generals and admirals on those delegations. So that perspective and that viewpoint is featuring heavily in our thought process.

That said, we must, in addition to China, also address what we know is happening, which is the Russian buildup of their short-

and medium-range tactical nuclear arsenal and their intention to potentially use those weapons in a first-strike scenario, escalate to win in a European environment. It is not a theoretical problem with the Russians given that they have demonstrated a willingness to invade other countries repeatedly. So this is something that has to be front and center in our process.

And then I would add the final aspect which is the verification, the importance of really enhancing the verification regime particularly if we are successful in answering this committee's call. When this committee put the resolution of ratification forward for New START, it said the next agreement needed to cover all of these non-strategic warheads. We want to do that but we are going to need much more robust verification to tackle that challenge.

Senator SHAHEEN. And are there other incentives, other issues that we have put on the table other than the extension of New START as it currently exists in terms of being able to encourage the Russians to look at this from the perspective that you outlined?

Mr. BILLINGSLEA. Well, Senator, I would like to maybe handle that offline with you in terms of the diplomatic back and forth. But what we do understand is that the Russian Federation is now 80–90 percent of the way through their nuclear modernization. For a variety of reasons here in the United States, we have not yet really begun the kind of modernization that is now urgently needed. And so the Russian motive here is that they very much want this agreement extended because it provides them a level of predictability in what we may do. At the same time, I know both you and Senator Kaine are on the Armed Services Committee, and I do suggest simply that our ability to negotiate effective arms control does, in fact, go hand in hand with a robust modernization program.

Senator SHAHEEN. I would like to continue this discussion but I am out of time. But I would just argue that given that Russia is able to expand into those tactical weapons and do the modernization, we clearly are able to do that as well outside of the New START treaty.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Shaheen.

That is an excellent line of inquiry and underscores the fact that this is truly a non-partisan, bipartisan matter that all of us need to engage in. And I think that that probably is as good as we have done on a non-partisan basis of late, and we will continue to pursue that. I think that is probably one of the most critical areas that this committee really needs to deal with. So thank you for that.

And with that, we will go to Senator Rubio.

Senator RUBIO. Thank you.

Thank you to all the nominees for your willingness to serve.

Let me begin with Ambassador Trujillo, who I have known for a long time. I am excited and very supportive of your nomination.

One of the things I am excited about is the way—you know, this is a committee that oversees the State Department and diplomacy, and the way you have reinvigorated diplomacy at the OAS is a story that has not been told enough. Obviously, we are not members of the Lima Group and its response to the Venezuelan crisis, but the supporting role the U.S. has played is in no small part due to your efforts.

But particularly the invocation of the RIO Treaty which is a mutual defense agreement in the hemisphere. In December, I know it took a lot of old-fashioned diplomatic work behind the scenes with our partner nations in the region and I think is in no small part due to—you have been a major player in that effort.

I wanted to talk with you about two of the irritant points in our hemisphere. The first is Cuba. It is interesting. There is a lot of talk about the embargo. To this day, there are still not a lot of Japanese or German cars on the streets. There is no German or Japanese embargo although there are Mercedes that are being driven by government officials, but they basically are able to buy any product they want from anywhere in the world.

The reason why they cannot has nothing to do with the U.S. embargo. It has to do with the fact that the Government there has no plan for developing its economy. The model of the aging leaders of that regime has basically been how do we hold onto power and restrict both the economic and political freedoms of people to do so.

I think the desperation is manifested in their recent announcement now that they are allowing people to buy in dollars with no fees attached. They used to take 10 percent of the dollars that were sent over there. It is just because their currency is worthless around the world. So they need people to pull dollars underneath their cushions or get more remittances sent to them so that they can have more dollars circulating that they can use to buy things.

But this policy of control is largely evidenced by a military company that controls the economy and the Communist Party that controls their politics. But a lot of the key people in that regime that are left—they are in their 80s and early 90s. So let us just say they are not going to live forever.

Is there any hope in your mind that there is—I am not saying there is a bunch of people there that are democrats and believe in the values of freedom and liberty—but is there any hope that there is some new generation of leadership at some point within that government that would begin to move on some of these issues regarding economic and political freedoms?

Mr. TRUJILLO. Thank you, Senator, for your question and your kind words.

I do. I spent a significant amount of time over the last 2 years working with the civil society, working with some of the younger people, working with some of the entrepreneurs, and they yearn for all the things that America has. They yearn for freedom. They yearn for an independent press. They yearn for democracy. They yearn for economic empowerment. And I think now with social media and the sharing of information and how quickly information is accessible, these folktales of how evil the Yankee empire is no longer hold true. People could go on the Internet and see for themselves why does my cousin who lives in Miami have a nice pair of jeans and a decent house and some food on the table, and I who live in Santiago am starving to death.

So I think there is a lot of hope. I think the civil society in Cuba is better organized than people give them credit under very, very difficult circumstances.

Senator RUBIO. On the issue of Venezuela, would you agree that it is a mistake to view the Maduro regime as a government as op-

posed to a criminal enterprise, an organized crime syndicate that happens to control a national territory?

Mr. TRUJILLO. I agree with your assessment. It is an illegitimate regime that is deemed as much not only by the United States but by multiple countries across the world.

Senator RUBIO. Mr. Billingslea, on the Iranian U.N. restrictions that are in place now, those come off I believe in October. Would they then be allowed to sell weapons to, for example, Venezuela?

Mr. BILLINGSLEA. Well, Senator, unfortunately the Iranian regime is proliferating weaponry, and I think in a different setting it would be good to make sure—well, you will have on the Intelligence Committee access to all of that information.

The concern would be that they will have much more ready access to buy weaponry from the Russians and Chinese who will no longer technically be prohibited from selling to them under the embargo.

Senator RUBIO. And on the question of arms control, I think it is by now I hope well established in the minds of most people that no one can win a nuclear war fought with strategic nuclear weapons in which each side exchanges 1,500 warheads against each other. That is not only a war you cannot win, it is the end of the world.

What is a danger is the use of tactical nuclear weapons on the battlefield to escalate a fight in order to deescalate the notion that you could use a nuclear weapon, artillery or whatever it might be, a short-range missile, to sort of stop in a conflict and the belief that that will not spiral on to something bigger.

Is that not, at the end of the day, the area we should be most concerned about? And the Russian violations of these tactical weapons is that they think they could potentially use it to win or deescalate a conflict.

Mr. BILLINGSLEA. Senator, that is exactly right, and that is why we have focused in these Vienna talks on Russian nuclear doctrine. And so as the teams deploy next week, one of the working groups we have agreed is a working group to cover both this matter of warheads and doctrine. We will be prepared to discuss the Nuclear Posture Review and our thinking on nuclear doctrine but we expect the Russians to be transparent on their doctrine as well.

And we are greatly concerned about this concept of escalate to win particularly when we are talking about a country like Russia that seems to feel free to invade and occupy other nations.

On the case of China, we have a different issue, which is that China has not ever been part of an arms control dynamic that has led to the establishment of risk reduction measures such as hotlines. We have the Nuclear Risk Reduction Center. We have an architecture that was put in place over the many years during the Cold War that has allowed us to avoid mishap. And if China, indeed, intends to build up the way we believe they will, we must get at this matter of transparency and confidence building measures.

The CHAIRMAN. Thank you very much. Thank you, Senator Rubio.

Senator Coons?

Senator COONS. Thank you, Chairman Risch, Ranking Member Menendez, for holding this critical nominations hearing.

I just want to make a brief comment about the importance of this committee's oversight role which many of you have discussed with the chair and ranking member.

This committee has attempted to conduct its responsible oversight role into critical issues: the arms sales to Gulf States, the killing of Soleimani, President Trump's withdrawal from the Open Skies Treaty, agreements reached with Central American states. In all of these cases, the inability of this committee to get timely information from the State Department has really frustrated our engagement and I think has been harmful to our foreign policy.

So I support the efforts of our ranking member and colleagues from both sides who are working to get this information in a way to conduct our oversight responsibly. Mr. Chairman, I am pleased to see we have an aggressive schedule for the next 3 weeks and look forward to engaging actively as we get more witnesses and more opportunities. And I am hopeful that in this month we will be conducting the oversight that is a critical part of this committee's mission.

So if I might, first, Mr. Billingslea. On June 25th, media outlets reported the Trump administration is seriously discussing ending a decades-old process of congressional review of arms sales, which has been in critical moments used to delay or block sales to governments over human rights concerns or over the targeting of civilians using weapons we had provided.

Do you support continuing congressional review of arms sales as that process currently exists? And if confirmed, will you commit to continuing congressional review of arms sales?

Mr. BILLINGSLEA. Senator, absolutely. When I was a professional staff member on this committee, I was in fact one of the four members that facilitated that arms sale consultative process, the informal notification process followed by the formal notification process. And I well know how important the informal notification process is and the dialogue that emerges around it. And I support continuing the existing informal process for congressional clearance of arms sales.

If confirmed, in the event that I do identify opportunities for improvement or other kinds of systemic change, I would like to work with the committee, with both the chairman and the ranking member, on that topic for their consideration. But please rest assured I strongly support the informal process.

Senator COONS. Have you been a part of any of the interagency conversations that were reported so far?

Mr. BILLINGSLEA. No. No, sir.

Senator COONS. And would you recognize that at key points both parties have used the congressional role in arms sales notification and approval to ensure that we are putting human rights and some of our highest values ahead of temporary military alliances?

Mr. BILLINGSLEA. Senator, absolutely, and I did exactly the same on behalf of the chairman at the time I was here. I recognize the value. I view it as a lack of successful consultation if joint resolutions of disapproval are where things wind up. I do note that there has been perhaps a bit of a slowdown in some of these processes, and I would like to explore with the committee why that might be. But I think I have already shown my commitment to working close-

ly with this committee in the context of the arms control negotiations, and I intend, if confirmed, to carry that forward in every aspect of the T family with this committee.

Senator COONS. Thank you.

If I might, Mr. Mahoney. The role for which you have been nominated is a critical one, and I just wanted to say I am working with members of this committee and the Office of Legal Adviser to try and appropriately resolve terrorism-related claims against Sudan to get justice and compensation for hundreds of terror victims. There are a number of concerns of a range of members here. Resolving these claims fairly and appropriately is a critical step before Sudan can reenter the international community following the ouster of brutal dictator Omar al-Bashir.

If confirmed, will you prioritize this issue and work transparently with both sides of this committee on making sure we get a fair resolution of this issue?

Mr. MAHONEY. Absolutely, Senator.

Senator COONS. Let me ask you another question, if I could, about WHO withdrawal. Harold Koh, a former Legal Adviser to the State Department, has argued publicly that the President lacks the constitutional authority to unilaterally withdraw. The joint resolution passed in 1948 implementing the structure of our engagement with the WHO says Congress would have to first appropriate funds.

If confirmed, do you commit to examining whether or not sufficient legal basis exists to support a unilateral presidential power to terminate international agreements both with the WHO and more broadly?

Mr. MAHONEY. Yes, Senator. That is definitely something that I would examine, I should add, in consultation with the career staff of the department of the Legal Adviser who have dealt with these issues across the years.

Senator COONS. I look forward to working with you on that, if confirmed.

If I could, Carlos—excuse me—Mr. Trujillo. And my welcome to your family who has also joined us for this I think constructive hearing.

I had grave concerns about the strategy of cutting off funds for health, for development, for good governance projects in order to secure an agreement with the Northern Triangle countries to try and address root causes of migration.

Will you work with us on this committee to ensure the congressionally appropriated funds continue to flow to the Northern Triangle and will not be misused as a leverage point to try and get temporary agreements around migration issues?

Mr. TRUJILLO. Thank you, Senator.

I commit to continuing to work with the committee. Yes.

Senator COONS. Would you agree or disagree that cutting off funds that we have appropriated for health, development, and governance advances our interests and values in the region?

Mr. TRUJILLO. I think the funds are an important tool of our foreign policy toolbox. It allows us to advance a lot of interests that are beneficial to the American people.

Senator COONS. Well, let me move to one last question given the time.

The Venezuelan people, as I think we would all agree, continue to suffer at the hands of the Maduro regime and the humanitarian crisis he has created. Venezuela is the number one country of origin for individuals claiming asylum in the United States. Ranking Member Menendez has led an effort to urge the administration to grant TPS for Venezuelans.

Do you think blocking Venezuelans' ability to seek protection in the United States advances our interests and values in this region?

Mr. TRUJILLO. I think it is very difficult to send Venezuelans back to the terrible conditions that currently exist in their country.

Senator COONS. Would you advocate for TPS status?

Mr. TRUJILLO. TPS is a legal recognition. I would advocate so that they were not removed, especially those who do not have deportation rulings based on crimes committed that they are not removed back towards Venezuela.

Senator COONS. But you would advocate for an appropriate asylum process that is not politicized?

Mr. TRUJILLO. Absolutely.

Senator COONS. Thank you to all three of you for the answers you have given to suggest that, if confirmed, you will be more responsive to requests for information from this committee. I look forward to having the chance to work with you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Coons.

Senator Kaine?

Senator Kaine. Thank you, Mr. Chair.

And thank you to the witnesses. Mr. Billingslea, good to see you again.

I have a quick set of questions for each of you.

I have been concerned that the administration has not kept Congress informed of Part 810 agreements to allow transfer of nuclear technology to other nations. The Armed Services Committee learned a while back that there had been transfers authorized to Saudi Arabia. We learned that through a Reuters account. When we pressed administration officials for Congress to receive the information, as Congress had in the past, we could not get the information frankly until the chair of this committee directed that the information be provided. And when it was provided, it was disclosed that the transfers to Saudi Arabia, one, happened just days after the assassination of Jamal Khashoggi, a Virginia resident, and what happened 4 months later.

I am assuming you are aware of the Part 810 process, which I believe the DOE is at the top of but State weighs in with recommendations about Part 810 transfers.

Based on your earlier work on this side of Pennsylvania Avenue, would you agree that Congress should be kept informed of Part 810 transfers when the administration agrees they should be made?

Mr. BILLINGSLEA. Senator, I am unaware of any argument of why you would not be kept in the loop. This committee within the statutory framework oversight of the Atomic Energy Act. That also includes the Article 123 agreements in which the department is now

engaged with a couple of countries. And I would also commit to keeping you fully and currently informed on those topics as well.

Senator Kaine. Please. That is very important.

On 123 agreements, the U.S. is currently negotiating a 123 agreement with Saudi Arabia. In a September 2019 letter to a Saudi counterpart, the then Secretary of Energy Perry reiterated the U.S. position that Saudi Arabia must negotiate and implement an additional protocol to safeguard its program and agree to forego uranium enrichment as part of any agreement.

To your knowledge, is that still the position of the United States?

Mr. Billingslea. Senator, I am not privy to the current state of affairs in the negotiation. I would say that during my time here on this committee staff, I supported the chairman at the time and actually worked closely with then Congressman Markey on the proliferation threat that is posed by reprocessing mixed oxide fuels and enrichment. If confirmed by this committee, you have my commitment that I will pursue the so-called gold standard in these 123 agreements, something that was achieved with the UAE and I believe should also be pursued with the Saudis, which is to forego reprocessing and enrichment.

Senator Kaine. Thank you.

Ambassador Mahoney, here is a question that you cannot answer because it is about the State Department, and you are at USTR right now. I would not expect you to be up on this, but it is a concern that I would like to work with you on.

At the end of last year, 2019, Secretary Pompeo announced that the U.S. was rescinding a 1978 memorandum called the Hansell Memorandum, which had been honored by administrations of both parties. That memorandum stated the U.S.'s position that annexation of territories, Israeli annexation of territories, in the West Bank was a violation of international law. Reporting suggests that that was rescinded based upon an effort that was led by Ambassador Friedman and supported by a 40-page legal memorandum by your predecessor.

We have not had State Department witnesses in the committee since then. We have not had the ability to ask why did you rescind this 40-plus year document that had been an agreed upon statement of policy by both Democratic and Republican administrations. I do not know whether that 40-page memorandum is in a form that Congress could receive, but whether or not we agree with the administration on the position, I do think this committee is entitled to understand the basis for the State Department's reversal of a 40-year policy, and I would like to work with you to try to gain an understanding for why the Trump administration chose to rescind that memorandum.

Mr. Mahoney. Senator, I have not seen the memorandum to which you refer obviously. But I would look forward to working with you on this and other issues.

Senator Kaine. Great. Thank you.

Ambassador Trujillo, I want to ask you about an important issue to me and that is corruption in the Northern Triangle. During the last year, two very prominent anti-corruption bodies, the CICIG in Guatemala and the MACCIH in Honduras, have been allowed to expire. The reporting about both suggests that these anti-corruption

tion bodies—CICIG was set up between the Guatemalan Government and the United Nations with the strong support of the United States under then President George W. Bush. MACCIH was set up by Honduras and the OAS, as you know, with the strong support of then President Obama.

The reporting—and again, we have not had State Department witnesses to be able to ask them about this—suggests that in both instances, the U.S. was willing to allow the anti-corruption bodies to expire because they got other things. In the case of Guatemala, Guatemala recognized the new site of the Israeli—they moved their embassy from Tel Aviv to Jerusalem. In the case of Honduras, Honduras entered into a third party agreement that allowed some asylees and refugees to be returned to Honduras. And the reporting suggests that because of that, the U.S. was willing to drop their support for strong anti-corruption bodies in each country that had had some significant success.

Should you be confirmed in your current position, will you be a strong voice for anti-corruption in the region and express that it should be an American value that we would want the kinds of corruption that often are root causes for people migrating to our country—we should want to do all we can to stop corruption?

Mr. TRUJILLO. Yes, Senator. And I was involved in MACCIH, and I did advocate strongly including multiple trips to Honduras to try to get that mandate renewed. Unfortunately, we were unsuccessful.

Senator KAINE. And if I could, just as I conclude, Mr. Chair, I do credit that. I know you were, along with some others, trying to get the mandate renewed, but at the same time as you were trying to get the mandate renewed, DHS leadership, including Chad Wolf, were going to Honduras praising Honduras for entering into the third party agreement with respect to refugees—I am sorry—asylees. And Honduras clearly picked up—and you and I both have friends there—a signal from the United States, as did Guatemala with respect to CICIG that if you make the U.S. happy here, you can abandon your commitment to anti-corruption efforts.

And we should want to work with Honduras on asylum and we should want to work with Guatemala on other issues, but we should not say if you meet U.S. policy here, we will turn a blind eye to corruption. And that is the impression that has been left in Central America by the abandonment of both MACCIH and CICIG. And I hope you will do all you can, should you be confirmed, to stand for the proposition that the U.S. is against corruption.

Mr. TRUJILLO. Thank you, Senator.

I do not believe they are a binary choice. I believe they are intertwined. Lack of rule of law and weak institutions and corruptions will ultimately lead to migration because economic opportunity and economic advancement will not occur. So I commit to do that.

Senator KAINE. I completely agree with you.

Thank you, Mr. Chair.

The CHAIRMAN. Thank you, Senator Kaine.

Senator Menendez?

Senator MENENDEZ. Yes, thank you, Mr. Chairman.

The CHAIRMAN. While you were gone, we got the clock fixed you will be unhappy to hear. But with the chairman's infinite generosity, please take your time.

Senator MENENDEZ. Well, Mr. Chairman, I will avail myself of your infinite generosity.

The CHAIRMAN. Thank you.

Senator MENENDEZ. Ambassador Trujillo, for years the President has had a policy—I would consider it a bullying of our closest partners in Latin America and the Caribbean. Its approach to Mexico has included tariffs, U.S. troops on the border, a wasteful and ineffective border wall, disturbing immigration programs like Remain Mexico. Its approach to Central America has included foreign assistance cuts and threats of visa sanctions if the Governments do not receive deportation flights, even when individuals on the flights test positive for the COVID-19 virus. So those are just some of, from my perspective, egregious examples of how the President's xenophobic views distort our foreign policy towards the region.

I was personally troubled when Guatemalan President Giammattei said in May, "I don't believe the United States is an ally to Guatemala because they don't treat us like one."

So let me ask you, does the fact that the Trump administration deported COVID-positive individuals to Central America make you proud?

Mr. TRUJILLO. Thank you, Senator.

Obviously, those are very concerning reports, and it is something that if I am confirmed, we will work to make sure that individuals who test positive are not deported.

Senator MENENDEZ. So they should not have been sent. If they tested positive, they should not have been sent to the Central American countries.

Mr. TRUJILLO. Senator, my understanding is that there is a protocol in place by ICE. They test these people. There are about 5,000 Abbott tests. They review the tests. They have incubation protocols, and their intention is not to deport people who do test positive. I am not sure if people who have actually tested positive—

Senator MENENDEZ. You can understand how these countries feel when they are getting COVID-infected persons deported to them.

Mr. TRUJILLO. Yes, I can.

Senator MENENDEZ. If confirmed, what are you going to do about the President's anti-immigrant agenda as a centerpiece of U.S. foreign policy towards the region?

Mr. TRUJILLO. Senator, I would continue to work with the Central American countries, including Mexico as well, as I have over the last 2 years in advancing our diplomatic mission, whether it comes to Nicaragua, when it comes to Venezuela, when it comes to our national security, or it comes to trade.

Senator MENENDEZ. Well, let me ask you then, how high levels of violence and forced displacement on top of extremely weak asylum systems in Guatemala, Honduras, and El Salvador provide strong evidence that the asylum cooperative agreements signed by the United States with these countries do not comply with U.S. law. The State Department is aware of the lack of asylum capacity in these countries, and my staff brought this evidence to your attention. Yet, DHS and DOJ have determined that Guatemala and Honduras provide full and fair asylum screening.

Knowing what you know about the systems of Guatemala, Honduras, and El Salvador, do you believe these countries offer conditions of safety to protect refugees?

Mr. TRUJILLO. Thank you, Senator.

As you noted, DHS and Department of Justice made a free and fair assessment. I think it is important to make sure they have the capacity in order to receive the asylum seekers. Currently in Honduras, it is around 100 that have been returned; Guatemala, about 500; and El Salvador, around 40. So I think it is very important—

Senator MENENDEZ. I did not ask you about DHS. I said knowing what you know—I appreciate your dancing around my questions. Knowing what you know, do you believe, as the nominee for the Assistant Secretary of State, as the Ambassador to the Organization of American States, that these countries offer the conditions of safety to protect refugees? Yes or no.

Mr. TRUJILLO. I think the approach of a very small-scale approach is the appropriate one.

Senator MENENDEZ. Well, that is not what is happening. That is not what is happening.

Let me ask you this. We have heard a lot about Venezuela. No one has been more engaged than me on that. My VERDAD Act was signed into law last year, for progress remains limited.

Last month during an interview, President Trump said—I am quoting, “Guaido was elected. I think that I wasn’t necessarily in favor, but I said some people liked it, some people didn’t. I was okay with it. I don’t think it was—you know, I don’t think it was very meaningful one way or the other.”

Now, these comments come after the recent publication of a book by former National Security Adviser Bolton, which stated that the President views interim President Guaido as, “weak,” and that it would be, “cool” to invade Venezuela.

Ambassador Trujillo, do you agree with President Trump’s comments about interim President Guaido?

Mr. TRUJILLO. I have had the opportunity of meeting with President Guaido in April, at the Summit of the Americas in 2018, in December of 2018, and after since he became interim President. He is a very brave person. I admire his courage.

Senator MENENDEZ. You admire his courage. So then you would disagree with the President as to him being weak. If somebody is courageous, they are not weak. Right?

Mr. TRUJILLO. That is correct.

Senator MENENDEZ. Let me ask you this. I heard your answer to—I forget which of my colleagues—about TPS for Venezuelans. Why would you not advocate for temporary protective status for Venezuelans? You said you would advocate for them not being deported, assuming they had no criminal background. But you would not advocate for TPS. Is TPS not the very essence of what that is all about? TPS means temporary protected status until that time in which the conditions in your country change and you can return.

Mr. TRUJILLO. I am not an immigration expert. I understand TPS also comes with additional qualifications, restrictions, and benefits. My comments I stand by, saying that individuals should not be returned to Venezuela given the current circumstances.

Whether that is through a TPS model or a different model, I am not—

Senator MENENDEZ. What other model would there be?

Mr. TRUJILLO. Just by ICE not having any enforcement actions.

Senator MENENDEZ. So in essence, somehow freezing their deportation but not giving them any temporary status in the United States.

Mr. TRUJILLO. Again, Senator, I am not an expert on all the different asylum—

Senator MENENDEZ. Well, you are going to be the Assistant Secretary of State for the Western Hemisphere, if you are confirmed. This is the very essence of—let me ask you—the very essence of policy issues. You know, you are going to be having an interdepartmental process. I want to hear how you are going to weigh in as the Assistant Secretary of State for the Western Hemisphere.

Let me ask you this. As you know, my office raised repeated questions and concerns about whether you asked the OAS to open an investigation to intentionally target a U.S. citizen employee of that organization. The investigation you requested resulted in a recommendation for the termination of the employment of a U.S. citizen, even while that final decision is under appeal.

Will you commit that you will provide complete and truthful answers to all of my written questions until we get to the bottom of this matter?

Mr. TRUJILLO. Yes, Senator. I have already previously also provided it in questions, but—

Senator MENENDEZ. Just for the record, I voted for you to be the OAS Ambassador.

Mr. TRUJILLO. That is correct, Senator.

Senator MENENDEZ. But I have to be honest with you. After that, you disappeared. There is no one other than maybe Senator Rubio and Senator Cardin to some degree who has shown a consistent, intensive engagement in the western hemisphere as I have. So I hope, if you are confirmed—the next time I will see you is not when you are either leaving office or up for a reconfirmation because that is not my idea of engagement and a consultative process.

Mr. TRUJILLO. Senator, I respect your assessment, and it is true we have not met. But I have met extensively with your staff over the course of the last 2 years.

Senator MENENDEZ. I am not going to belabor the point.

I have questions of Mr. Billingslea, but I see that Senator Cruz is here.

The CHAIRMAN. Yes. Senator Cruz, welcome. You are up.

Senator CRUZ. Thank you, Mr. Chairman.

Gentlemen, welcome. Congratulations on your respective nominations.

Ambassador Billingslea, let us talk a little bit about New START. I have long expressed concerns about Cold War style treaties that apply only to the United States and Russia, that leave China unconstrained, and that are applied unevenly in a way that disadvantages U.S. national security. When it comes to New START, the treaty was riddled with holes. It was created while Russia was in violation of several treaty obligations, including

START, the Chemical Weapons Convention, the Biological Weapons Convention, the Conventional Forces in Europe Treaty, and the Open Skies Treaty. And yet, its drafters did not take that into account seriously.

Checking warhead limitations became impossible because of the inspection rules. The treaty had loopholes for so-called uploading of missile warheads. It failed to limit non-deployed mobile missiles. It abandoned START and INF verification measures, including the ban on telemetry encryption, and on and on.

Could you please describe to this committee what you see as the biggest flaws in our ability to verify New START and what it would take to fix them?

Mr. BILLINGSLEA. Thank you, Senator.

We have actively looked at that, and we have done a cross comparison with the original verification mechanisms contained in the START treaty itself, as well as some of the valuable experience we had from portal monitoring in the INF Treaty. And we believe a combination of those measures is far superior to what is afforded under the New START treaty.

As you point out, the verification of the telemetry exchanges have resulted in zero exchanges of value to the United States. The Russians have only given us antiquated systems with which we already have the telemetry data. But having that telemetry data, particularly when it comes to a trilateral arrangement with China, I think is very important as a confidence building measure. It lets you understand what that particular missile is doing at any given moment in time.

The decision to, in effect, triple the period of time that it takes for on-site inspectors to get to a particular inspectable site is another major deficiency that needs to be rectified because surprise, surprise, very often the thing you went there to inspect is not there when you give so much heads-up in advance. So while technically not a violation of the treaty, not a great practice and something we need to bring to an end.

But everything we do in terms of restoring a truly verifiable framework has to be done, as I have said, with an eye towards China. China is in the middle of an unconstrained crash program. They are building up rapidly, and we believe and, interestingly enough, the Russians also believe that the next agreement must be a multilateral agreement. Now, when the Russians say that, they mean five countries. They mean the Brits and the French as well. When we say that, we mean three because China is building up and France and the UK are not.

Senator CRUZ. And elaborate on the down sides for U.S. national security to China being excluded from New START and able to operate completely free from it.

Mr. BILLINGSLEA. Well, the most important down side is we are dealing with a completely nontransparent regime in Beijing that seems increasingly comfortable with rewriting international rules to suit themselves, underwritten by the threat of force, either actual or implied. And we see them doing this. They just did this recently with the Indians. We have seen them doing this in the South China Sea, what they are doing in Hong Kong, you name it. By the

way, we keep emphasizing to the Russians that there are 150 million Russians and there are 1.5 billion Chinese.

Senator CRUZ. Mr. Trujillo, let me shift to you and two questions. Thank you for your good work at the OAS.

Two questions. What do you see as the most significant challenges in the region, number one? And secondly, I would like you to address in particular the CITGO 6 which is a significant concern of me and many other members. And I would like for you to address what efforts are being made to bring the CITGO 6 home.

Mr. TRUJILLO. Thank you, Senator.

I think the biggest political threat are obviously the malign actors that exist in the hemisphere, whether it is Russia, China, and even Cuba, and their influence on the hemisphere. I think that is significant.

And the other significant threat that we are facing is the post-COVID world. A GDP decline of, on average, 9 percent is what they are expecting across the hemisphere. How do we deal with making sure economies survive and countries can prosper given some of these economic threats? That is a very high level.

The CITGO 6—I commit to doing everything I possibly can, if I am confirmed by the Senate, to make sure we can safely return them to the United States.

Senator CRUZ. Thank you.

The CHAIRMAN. Thank you, Senator Cruz.

Senator Menendez?

Senator MENENDEZ. Thank you, Mr. Chairman.

I have a series of questions for Mr. Billingslea. I will submit them for the record, but I have one that I want to engage with him here at the hearing.

Mr. Billingslea, you have repeatedly dodged the question of whether you personally advocated for certain enhanced interrogation techniques or took any steps to oppose them. In responses to my questions, you stated only that, quote, you were not in the position of deciding on those matters. It sounds a little bit like the Nuremberg defense. But you were a senior officials at the Department of Defense overseeing the recommendations and implementation of interrogation techniques.

So here at this hearing on the record, under the pain of perjury, I want to ask you again, did you ever advocate, in writing or otherwise for or against the use of the following interrogation techniques against detainees at Guantanamo Bay: placing a hood, a blindfold over a detainees head during questioning; threatening to transfer detainees to a third country where they would fear torture or death; 20-hour interrogations; forcibly shaving a detainee's hair or beard; keeping detainees awake for up to 4 days in succession; stripping detainees naked; using military working dogs to frighten detainees during interrogation?

Mr. BILLINGSLEA. Senator, I never advocated for any technique that was characterized to me as torture.

Senator MENENDEZ. That was characterized to you as torture. Did you not recognize them as torture yourself?

Mr. BILLINGSLEA. Senator, there was a working group that comprised lawyers from across the spectrum. There was a separate group comprised of professional interrogators. I am neither a law-

yer now a professional interrogator. And I had to rely upon the best advice given in both sides of that equation in an effort to create a process because when I came in as a Deputy Assistant Secretary of Defense, not as an Assistant Secretary of Defense or an Under, as a Deputy Assistant Secretary of Defense—Deputy Assistant Secretaries of Defense at the Pentagon are not empowered to make unilateral decisions like you are suggesting. My role was to create order out of a very chaotic process where we had—

Senator MENENDEZ. Order out of a chaotic process of torture.

You know, I have a memo here that you wrote to the Secretary of Defense where you state that these techniques are, “not controversial from either a legal”—and you are not a lawyer, but you said from either a legal “or policy standpoint.” And yet, the Judge Advocate Generals from multiple armed services, as well as professional interrogators from the FBI and CIS, all made it known at the time that they believed these techniques constituted torture, that they were illegal, and that they had significant negative policy implications.

U.S. law now expressly classifies these techniques as torture.

And there are other memos, which we both know about, but which I cannot reference in an open setting, which is why I have asked them to be declassified.

Yet, you continue to insist some 30 times in your recent responses to questions for the record and now here that you have never advocated for torture, that all you did was create, “a transparent process.” Mr. Billingslea, that is disingenuous at best.

The record shows that you recommended implementing these techniques. You made your opinion known, and importantly, your opinion mattered. As a matter of fact, you said in part of this memo that there were other elements that were not included that should have been included.

When I come to ask you in your new position whether you argued for taking human rights into account before approving the export of more bombs to Saudi Arabia to drop on Yemen, or whether you advocated for stronger U.S. protections in an arms treaty with Russia, I am wondering whether we will get the truth. Maybe you will simply throw up your hands and say, well, I am not the decider.

And that is why I have dwelt so much on this, because I could talk to you about all the policy issues that will be in your portfolio, but I have to believe what you tell me. And based upon this—

So, Mr. Chairman, I ask that a number of letters and other documents related to the torture issue that I have referred to be entered into the record. And I will submit electronic copies for the record.

The CHAIRMAN. Those will all be admitted, assuming that there is no classification problem.

Senator MENENDEZ. They are not.

The CHAIRMAN. If they are not, they will be admitted.

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

Senator MENENDEZ. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Coons, I understand you also wish to trespass upon the generosity of the chairman. Is that true?

Senator COONS. This rare opportunity to conduct oversight in a nominations hearing is just too intriguing for me to pass up.

The CHAIRMAN. Well, please have at it.

Senator COONS. I know there is an active vote, so I will do my best to be focused.

Just briefly, if I might, Mr. Trujillo, on the issue I raised before about TPS, as someone who advocated for asylees from Haiti many, many years ago as a young lawyer, actually under the supervision of Harold Koh, I will just emphasize the point that TPS provides some stability and security. It gives people granted temporary protected status the ability to work and to be here with some security. And the alternative, which is we just will not deport for today, does not meet I think the urgency of our standing with the Venezuelan people in this moment.

If I might, Mr. Billingslea, just two quick questions. There was a report in the *Washington Post* the administration is considering restarting explosive nuclear testing for the first time in 3 decades. And according to open source public reporting, there is no scientific or technical reason to do this. This would just be to gain some leverage.

Do you agree with the assessment there is no scientific or technical benefit to explosive nuclear testing?

Mr. BILLINGSLEA. Senator, I have actually said publicly that I am unaware of any reason to engage in nuclear testing at this stage.

Senator COONS. So would you support a U.S. return to explosive nuclear testing for any non-scientific reason?

Mr. BILLINGSLEA. I am sorry. It is just for the purpose of doing it?

Senator COONS. And I guess someone in the White House thinks it might give us some leverage if we were to resume nuclear testing.

Mr. BILLINGSLEA. Well, Senator, I think we would only test in the event that we had a safety or a reliability issue or if there were some urgent need to develop some kind of new design. And I am not aware of any three of those being the case at this time.

Senator COONS. So you would oppose testing, explosive nuclear testing, for just purely leverage and negotiations reasons.

Mr. BILLINGSLEA. I think it is important that we make clear to the Russians and the Chinese that it is not okay to tell the world that you are not engaged in testing with yield when in fact you are.

Senator COONS. Right.

Mr. BILLINGSLEA. That is different than linking it to the CTBT or to various moratorium. But we are not engaged in testing with yield, and we know the Russians are and we have grave doubts about the Chinese.

Senator COONS. And we should not be would be my concluding point.

Mr. BILLINGSLEA. Senator, I think that is a valid point. Again, I am unaware of any reason to test at this stage.

Senator COONS. Briefly about Open Skies, the 1992 Open Skies Treaty, it gives short notice on armed observation flights and helps avoid miscalculations and delivers quality photographic evidence

that—developments in technology have made this less urgent, of course, than it was then. But our allies count on it.

How is the administration addressing European concerns about our withdrawal from Open Skies? And are we more secure in a world where we do not have legally binding constraints in Russian strategic forces?

Mr. BILLINGSLEA. Senator, that is a great question. And again, I was not part of the decision-making process on that or the consultations that happened with the Europeans. I do understand that there was a fairly exhaustive outreach that involved questionnaires that were soliciting input from various allies and friends.

I did participate in a discussion with the North Atlantic Council because I care very deeply about NATO given my background with them, though I did not lead that part of the discussions. I was more focused on the situation with New START.

I believe that we must work with our allies, but I think we have to be crystal clear that it is the Russians who have, in effect, shredded conventional arms control in Europe, starting with suspension of the CFE Treaty, which they backed out of in effect despite the fact that we revised it multiple times. This body approved changes to that treaty to accommodate their existing violations in the—

Senator COONS. If the Russians have shredded conventional nuclear arms control, why would we welcome them back into the G-7?

Mr. BILLINGSLEA. Senator, that is beyond my purview, and I could not give you an answer to that.

Senator COONS. I will simply assert that it is not wise, until we see a change in Russian behavior, for us to welcome them back into the community of nations.

I have already exceeded the tolerance of the chairman I suspect, and I appreciate your graciousness today.

Thank you to all three of you. I appreciate the opportunity we have had today to question you.

I appreciate the forward progress we are making in this committee. Thank you.

The CHAIRMAN. Thank you, Senator Coons. I appreciate your thoughts in that regard.

Well, a robust hearing to say the least. Thank you so much, all of you, for being involved.

First of all, the letters of support submitted by Senator Moran will be included in the record.

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

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

With that, I want to thank all of you for your patience, thank all of you for your willingness to serve and your families for also embracing the sacrifices that that takes. So thank you very much.

And with that, the hearing is adjourned.

[Whereupon, at 12:05 a.m., the hearing was adjourned.]

Additional Material Submitted for the Record

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

EITs at Guantanamo

Question. Please provide only YES or NO answers to the following questions:

- Did you ever recommend for use in detainee interrogations at Guantanamo the enhanced interrogation technique (EIT) known as “hooding”, which involved placing a hood or blindfold over the detainee’s head during questioning?

Answer. As the Senate Armed Services Committee’s report makes clear, all of the interrogation techniques recommended by the Working Group were determined to be available for request. I signed a memo that recommended that a number of techniques not be simply delegated to the Combatant Commander, but instead require notification to the Secretary. I stand by my previous response to this QFR as contained in Answer 142 of your September 19, 2019, Questions for the Record.

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

Answer. I stand by my previous response to this QFR as contained in Answer 143 of your September 19, 2019, Questions for the Record. The Senate Armed Services Committee’s report clearly documents a wide range of differing views that were expressed at this time on this topic.

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

Answer. I stand by my previous response to this QFR as contained in Answer 144 of your September 19, 2019, Questions for the Record. The Senate Armed Services Committee’s report clearly documents a wide range of differing views that were expressed at this time on this topic.

Question. Do you now consider this technique to be abusive?

Answer. I stand by my previous response to this QFR as contained in Answer 145 of your September 19, 2019, Questions for the Record. As I testified previously, I strongly support the law enacted by Congress, more than a decade after 9/11, which limits use of interrogation techniques to those contained in the Army Field Manual.

Question. Did you ever recommend for use in detainee interrogations at Guantanamo the EIT known as “threat of transfer”, which involved threatening to transfer the subject to a 3rd country that the subject is likely to fear would subject him to torture or death?

Answer. As the Senate Armed Services Committee’s report makes clear, all of the interrogation techniques recommended by the Working Group were determined to be available for request. I signed a memo that recommended that a number of techniques not be simply delegated to the Combatant Commander, but instead require notification to the Secretary. I stand by my previous response to this QFR as contained in Answer 146 of your September 19, 2019, Questions for the Record.

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

Answer. I stand by my previous response to this QFR as contained in Answer 147 of your September 19, 2019, Questions for the Record. The Senate Armed Services Committee’s report clearly documents a wide range of differing views that were expressed at this time on this topic.

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

Answer. I stand by my previous response to this QFR as contained in Answer 148 of your September 19, 2019, Questions for the Record. The Senate Armed Services Committee’s report clearly documents a wide range of differing views that were expressed at this time on this topic.

Question. Do you now consider this technique to be abusive?

Answer. I stand by my previous response to this QFR as contained in Answer 149 of your September 19, 2019, Questions for the Record. As I testified previously, I strongly support the law enacted by Congress, more than a decade after 9/11, which limits use of interrogation techniques to those contained in the Army Field Manual.

Question. Did you ever recommend for use in detainee interrogations at Guantanamo the EIT known as “use of prolonged interrogations”, which involved the continued use of a series of approaches that extend over a long period of time (e.g., 20 hours per day per interrogation)?

Answer. As the Senate Armed Services Committee’s report makes clear, all of the interrogation techniques recommended by the Working Group were determined to be available for request. I signed a memo that recommended that a number of techniques not be simply delegated to the Combatant Commander, but instead require notification to the Secretary. I stand by my previous response to this QFR as contained in Answer 150 of your September 19, 2019, Questions for the Record.

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

Answer. I stand by my previous response to this QFR as contained in Answer 151 of your September 19, 2019, Questions for the Record. The Senate Armed Services Committee’s report clearly documents a wide range of differing views that were expressed at this time on this topic.

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

Answer. I stand by my previous response to this QFR as contained in Answer 152 of your September 19, 2019, Questions for the Record. The Senate Armed Services Committee’s report clearly documents a wide range of differing views that were expressed at this time on this topic.

Question. Do you now consider this technique to be abusive?

Answer. I stand by my previous response to this QFR as contained in Answer 153 of your September 19, 2019, Questions for the Record. As I testified previously, I strongly support the law enacted by Congress, more than a decade after 9/11, which limits use of interrogation techniques to those contained in the Army Field Manual.

Question. Did you ever recommend for use in detainee interrogations at Guantanamo the EIT known as “forced grooming”, which involved forcing a detainee to shave their hair or beard?

Answer. As the Senate Armed Services Committee’s report makes clear, all of the interrogation techniques recommended by the Working Group were determined to be available for request. I signed a memo that recommended that a number of techniques not be simply delegated to the Combatant Commander, but instead require notification to the Secretary. I stand by my previous response to this QFR as contained in Answer 154 of your September 19, 2019, Questions for the Record.

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

Answer. I stand by my previous response to this QFR as contained in Answer 155 of your September 19, 2019, Questions for the Record. The Senate Armed Services Committee’s report clearly documents a wide range of differing views that were expressed at this time on this topic.

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

Answer. I stand by my previous response to this QFR as contained in Answer 156 of your September 19, 2019, Questions for the Record. The Senate Armed Services Committee’s report clearly documents a wide range of differing views that were expressed at this time on this topic.

Question. Do you now consider this technique to be abusive?

Answer. I stand by my previous response to this QFR as contained in Answer 157 of your September 19, 2019, Questions for the Record. As I testified previously, I strongly support the law enacted by Congress, more than a decade after 9/11, which limits use of interrogation techniques to those contained in the Army Field Manual.

Question. Did you ever recommend for use in detainee interrogations at Guantanamo the EIT known as “sleep deprivation”, which involved keeping the detainee awake for an extended period of time, up to 4 days in succession?

Answer. As the Senate Armed Services Committee’s report makes clear, all of the interrogation techniques recommended by the Working Group were determined to be available for request. I signed a memo that recommended that a number of techniques not be simply delegated to the Combatant Commander, but instead require notification to the Secretary. I stand by my previous response to this QFR as contained in Answer 158 of your September 19, 2019, Questions for the Record.

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

Answer. I stand by my previous response to this QFR as contained in Answer 159 of your September 19, 2019, Questions for the Record. The Senate Armed Services Committee's report clearly documents a wide range of differing views that were expressed at this time on this topic.

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

Answer. I stand by my previous response to this QFR as contained in Answer 160 of your September 19, 2019, Questions for the Record. The Senate Armed Services Committee's report clearly documents a wide range of differing views that were expressed at this time on this topic.

Question. Do you now consider this technique to be abusive?

Answer. I stand by my previous response to this QFR as contained in Answer 161 of your September 19, 2019, Questions for the Record. As I testified previously, I strongly support the law enacted by Congress, more than a decade after 9/11, which limits use of interrogation techniques to those contained in the Army Field Manual.

Question. Did you ever recommend for use in detainee interrogations at Guantanamo the EIT known as "isolation", which involved separating a detainee from others for up to 96 hours?

Answer. As the Senate Armed Services Committee's report makes clear, all of the interrogation techniques recommended by the Working Group were determined to be available for request. I signed a memo that recommended that a number of techniques not be simply delegated to the Combatant Commander, but instead require notification to the Secretary. I stand by my previous response to this QFR as contained in Answer 162 of your September 19, 2019, Questions for the Record.

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

Answer. I stand by my previous response to this QFR as contained in Answer 163 of your September 19, 2019, Questions for the Record. The Senate Armed Services Committee's report clearly documents a wide range of differing views that were expressed at this time on this topic.

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

Answer. I stand by my previous response to this QFR as contained in Answer 164 of your September 19, 2019, Questions for the Record. The Senate Armed Services Committee's report clearly documents a wide range of differing views that were expressed at this time on this topic.

Question. Do you now consider this technique to be abusive?

Answer. I stand by my previous response to this QFR as contained in Answer 165 of your September 19, 2019, Questions for the Record. As I testified previously, I strongly support the law enacted by Congress, more than a decade after 9/11, which limits use of interrogation techniques to those contained in the Army Field Manual.

Question. Did you ever recommend for use in detainee interrogations at Guantanamo the EIT known as "sound modulation"?

Answer. As the Senate Armed Services Committee's report makes clear, all of the interrogation techniques recommended by the Working Group were determined to be available for request. I signed a memo that recommended that a number of techniques not be simply delegated to the Combatant Commander, but instead require notification to the Secretary. I stand by my previous response to this QFR as contained in Answer 166 of your September 19, 2019, Questions for the Record.

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

Answer. I stand by my previous response to this QFR as contained in Answer 167 of your September 19, 2019, Questions for the Record. The Senate Armed Services Committee's report clearly documents a wide range of differing views that were expressed at this time on this topic.

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

Answer. I stand by my previous response to this QFR as contained in Answer 168 of your September 19, 2019, Questions for the Record. The Senate Armed Services

Committee's report clearly documents a wide range of differing views that were expressed at this time on this topic.

Question. Do you now consider this technique to be abusive?

Answer. I stand by my previous response to this QFR as contained in Answer 169 of your September 19, 2019, Questions for the Record. As I testified previously, I strongly support the law enacted by Congress, more than a decade after 9/11, which limits use of interrogation techniques to those contained in the Army Field Manual.

Question. Did you ever recommend for use in detainee interrogations at Guantanamo the EIT known as "face slap/stomach slap", which involved a quick glancing slap to the fleshy part of the cheek or stomach, used as a shock measure?

Answer. As the Senate Armed Services Committee's report makes clear, all of the interrogation techniques recommended by the Working Group were determined to be available for request. I signed a memo that recommended that a number of techniques not be simply delegated to the Combatant Commander, but instead require notification to the Secretary. I stand by my previous response to this QFR as contained in Answer 170 of your September 19, 2019, Questions for the Record.

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

Answer. I stand by my previous response to this QFR as contained in Answer 171 of your September 19, 2019, Questions for the Record. The Senate Armed Services Committee's report clearly documents a wide range of differing views that were expressed at this time on this topic.

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

Answer. I stand by my previous response to this QFR as contained in Answer 172 of your September 19, 2019, Questions for the Record. The Senate Armed Services Committee's report clearly documents a wide range of differing views that were expressed at this time on this topic.

Question. Do you now consider this technique to be abusive?

Answer. I stand by my previous response to this QFR as contained in Answer 173 of your September 19, 2019, Questions for the Record. As I testified previously, I strongly support the law enacted by Congress, more than a decade after 9/11, which limits use of interrogation techniques to those contained in the Army Field Manual.

Question. Did you ever recommend for use in detainee interrogations at Guantanamo the EIT known as "removal of clothing," which involved potential removal of all clothing, to be done by military police if not agreed to by the subject?

Answer. As the Senate Armed Services Committee's report makes clear, all of the interrogation techniques recommended by the Working Group were determined to be available for request. I signed a memo that recommended that a number of techniques not be simply delegated to the Combatant Commander, but instead require notification to the Secretary. I stand by my previous response to this QFR as contained in Answer 174 of your September 19, 2019, Questions for the Record.

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

Answer. I stand by my previous response to this QFR as contained in Answer 175 of your September 19, 2019, Questions for the Record. The Senate Armed Services Committee's report clearly documents a wide range of differing views that were expressed at this time on this topic.

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

Answer. I stand by my previous response to this QFR as contained in Answer 176 of your September 19, 2019, Questions for the Record. The Senate Armed Services Committee's report clearly documents a wide range of differing views that were expressed at this time on this topic.

Question. Do you now consider this technique to be abusive?

Answer. I stand by my previous response to this QFR as contained in Answer 177 of your September 19, 2019, Questions for the Record. As I testified previously, I strongly support the law enacted by Congress, more than a decade after 9/11, which limits use of interrogation techniques to those contained in the Army Field Manual.

Question. Did you ever recommend for use in detainee interrogations at Guantanamo the EIT known as “increasing anxiety by use of aversions”, which involved introducing factors that create anxiety, such as military working dogs?

Answer. As the Senate Armed Services Committee’s report makes clear, all of the interrogation techniques recommended by the Working Group were determined to be available for request. I signed a memo that recommended that a number of techniques not be simply delegated to the Combatant Commander, but instead require notification to the Secretary. I stand by my previous response to this QFR as contained in Answer 178 of your September 19, 2019, Questions for the Record.

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

Answer. I stand by my previous response to this QFR as contained in Answer 179 of your September 19, 2019, Questions for the Record. The Senate Armed Services Committee’s report clearly documents a wide range of differing views that were expressed at this time on this topic.

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

Answer. I stand by my previous response to this QFR as contained in Answer 180 of your September 19, 2019, Questions for the Record. The Senate Armed Services Committee’s report clearly documents a wide range of differing views that were expressed at this time on this topic.

Question. Do you now consider this technique to be abusive?

Answer. I stand by my previous response to this QFR as contained in Answer 181 of your September 19, 2019, Questions for the Record. As I testified previously, I strongly support the law enacted by Congress, more than a decade after 9/11, which limits use of interrogation techniques to those contained in the Army Field Manual.

Question. [Please answer yes or no.] Do you think you did the right thing by recommending the above techniques for approval?

Answer. As I have testified previously, it was critically important—in the days following the horrific terrorist attacks of 9/11—that a structure be applied to how detainee operations at Guantanamo were conducted.

I have also made clear that I strongly support the law enacted by Congress, more than a decade later, that restricts interrogation techniques to those contained in the Army Field Manual.

Question. Do you know of any documents that can positively support your assertion that you never advocated for abusive interrogation techniques or torture? (please note for your answer that the SASC report references a memo where you recommended the use of abusive interrogation techniques)

Answer. The Senate Armed Services Committee report was conducted on a bipartisan basis with access to the full documentary record. At no point in that report am I accused of advocating for torture.

Question. You have said several times that you were not in the position of deciding or influencing decisions on interrogation techniques, and your role was only to create a transparent process. You also wrote in response to QFRs from your previous hearing that “I raised clear objections [to waterboarding] in meetings with the [DOD] Office of the General Counsel” and “My office made clear our policy objections [to waterboarding], contributing to that red color coding”—with the red color coding meaning it was not recommended by the Working Group that you were a member of. Putting aside the fact that you cannot produce any written documents to prove that assertion, you nonetheless state that your opposition to waterboarding resulted in it not being recommended for approval.

- If you assert that you exercised the power of your position to influence the outcome of the decision with regards to waterboarding, how can you simultaneously assert that could not exercise the power of your position to influence the outcome of the decision with regards to hooding, forced grooming, removal of clothing, sleep deprivation, and several other abusive detailed above?

Answer. I did raise objections regarding the potential use of waterboarding. Further, as the Senate Armed Services Committee report documents, I also expressed concern that a number of techniques not be simply delegated to the Combatant Commander, but instead require the Secretary of Defense first be notified. Additionally, when some techniques were requested by the Combatant Command, I re-verified with the Office of the General Counsel that they were determined to be legal.

Question. For a QFR from your previous hearing, you answered in that QFR as well as others that “as neither a lawyer nor an expert in interrogation techniques, I depended upon the Office of the General Counsel to determine the legality of proposed measures.” If the OGC had determined that waterboarding was legal, would you have supported it? If not, why would you have disagreed with the OGC about that particular abusive technique, but not any of the other abusive techniques like hooding, threat of transfer, 20-hour interrogations, forced grooming, sleep deprivation, face slap/stomach slap, removal of clothing, and increasing anxiety by use of aversions?

Answer. As I noted in my response to the previous question, I expressed concern that a number of techniques not be simply delegated to the Combatant Commander, but instead require the Secretary of Defense first be notified. Additionally, when some techniques were requested by the Combatant Command, I re-verified with the Office of the General Counsel that they were determined to be legal.

Question. For QFR #139 from your previous hearing, you wrote that you “relied upon descriptions provided at the time by interrogation specialists and upon the determinations by counsel of which techniques were legally permissible.”

- On October 2, 2002, the chief counsel of the CIA’s counter-terrorism center sanctioned the use of waterboarding for an interrogation at Guantanamo. On January 23, 2003, the former chief of Guantanamo’s interrogation control element—an interrogation specialist—told the Working Group, of which you were a member, that waterboarding was an effective technique. If an interrogation specialist had described waterboarding as effective, and counsel had determined it was legal, and you relied on the descriptions of interrogation specialists and counsel, why did you oppose waterboarding?

Answer. As the Senate Armed Services Committee report notes, waterboarding was the only interrogation technique evaluated as “red” in the Working Group’s assessment. Per the report, “that ‘red’ designation meant that the Working Group determined there was a major issue.”

Question. [Please answer only yes or no.] While on the Working Group, did you approve of the interrogation techniques in the draft Working Group report that was circulated on January 27, 2003?

Answer. I don’t recall an approval process associated with that document. The Senate Armed Services Committee report indicates that document was considered a draft.

Question. [Please answer only yes or no.] While on the Working Group, did you approve of the interrogation techniques in the draft Working Group report that was circulated on February 04, 2003?

Answer. I don’t recall an approval process associated with that document. The Senate Armed Services Committee report indicates that document was considered a draft.

Question. [Please answer only yes or no.] While on the Working Group, did you approve of the interrogation techniques in the draft Working Group report that was circulated on March 06, 2003?

Answer. I don’t recall an approval process associated with that document. The Senate Armed Services Committee report indicates that document was ultimately also considered a draft.

SO/LIC Oversight of Afghanistan and Iraq Special Mission Units

Question. For QFR #194 from your previous hearing, you answered that you did not have civilian oversight of Special Mission Units in Iraq of Afghanistan because “[g]eographic combatant commanders, such as U.S. Central Command, maintain chain of command responsibility for military units operating within their area of responsibility. For a wide range of reasons, historically, the civilian staff with the Office of the Secretary of Defense (Policy) do not intercede within the military chain of command.”

Yet, in your response to QFRs 111, 113, and 114, you stated that, after hearing about a wide range of concerns including “interrogation topics” and “a complete disregard for civilian oversight” (emphasis added) at Guantanamo—which is under U.S. Southern Command’s chain of command—you took several actions, including asking for information and creating a DASD for Detainee Affairs.

- If, as you state, SO/LIC did not provide civilian oversight of the SMUs because OSD civilian staff “do not intercede within the military chain of command” then how was it that SO/LIC provided civilian oversight of military detainee oper-

ations at Guantanamo, which were within the military chain of command? Please explain the discrepancy in your answers.

Answer. There is no discrepancy. OSD Policy is constituted with many different offices and functions which mirror or overlap with Combatant Command geographic or functional responsibilities. That does not mean that OSD intercedes in the military chain of command. Rather, it means that OSD is properly structured to give the best possible policy advice to the Secretary. After 9/11, I viewed it as essential that the Secretary be similarly supported and I received approval to create a DASD for Detainee Affairs.

Question. For QFR #206 from your previous hearing, you did not answer the question. Instead, you stated that SMUs fell under the military chain of command, as if that were the reason why you could not be aware of whether they were conducting interrogations. As you stated in response to an earlier QFR, SO/LIC received and requested information about “interrogation topics” at Guantanamo, which fell under the military chain of command; it then follows that that you could also have received or requested information about SMU interrogations. In addition, you answered that you were not aware of “interrogation techniques used by SMUs”, but that was not the question. Please provide a yes or no answer to the original question: While at SO/LIC, were you aware that SMUs in Afghanistan and Iraq were conducting their own interrogations?

Answer. I would have been shocked if SMUs were not conducting battlefield interrogation of captured unlawful enemy combatants. Military units conduct interrogations in a number of different circumstances, the parameters for which are set forth in the Army Field Manual.

Question. For QFR #209 from your previous hearing, your answer “not to my recollection” implies that you could have potentially been aware of or approved the January 2003 SOP created by the Afghanistan SMU TF. Please explain the discrepancy between your answer here and your earlier answers to questions about SMUs, where you stated that SO/LIC could not receive or request information about SMU interrogations because they were under the military chain of command. If, as you previously stated, SO/LIC could not receive or request information about SMU interrogations because they were under the military chain of command, then how could you have potentially been aware of or approved the Afghanistan SMU TF’s interrogation SOP?

Answer. There is no discrepancy in my answers. I stated in Answers 194 and 195 of your September 19, 2019, Questions for the Record that OSD Policy does not intercede within the military chain of command. Requesting and/or receiving information from the Joint Staff or the SOCOM Commander is not the same as interceding. That said, I stand by my response, contained in Answer 209 of your September 19, 2019, Questions for the Record that I have no recollection of being aware of the referenced interrogation SOP created by “Afghanistan SMU TF.”

Question. For QFR #211 from your previous hearing, your answer “not to my recollection” implies that you could have potentially been aware of or approved the January 2003 SOP created by the Iraq SMU TF. Please explain the discrepancy between your answer here and earlier answers to questions about SMUs. If, as you previously stated, SO/LIC could not receive or request information about SMU interrogations because they were under the military chain of command, then how could you have potentially been aware of or approved the Iraq SMU TF’s interrogation SOP?

Answer. There is no discrepancy in my answers. I stated in Answers 194 and 195 of your September 19, 2019, Questions for the Record that OSD Policy does not intercede within the military chain of command. Requesting and/or receiving information from the Joint Staff or the SOCOM Commander is not the same as interceding. That said, I stand by my response, contained in Answer 211 of your September 19, 2019, Questions for the Record, that I have no recollection of being aware of the referenced interrogation SOP created by “Iraq SMU TF.”

Question. For QFR #214 from your previous hearing, you stated that you learned of a death at Bagram and asked the SOCOM commander to investigate. If, as you stated in your response to earlier QFRs, you did not exercise any civilian oversight over SMUs because they were in the military chain of command, how then were you able to request that the SOCOM commander investigate the death of a detainee in military custody at Bagram? Please explain the discrepancy in your answers.

Answer. There is no discrepancy in my answers. I stated in Answers 194 and 195 of your September 19, 2019, Questions for the Record that OSD Policy does not intercede within the military chain of command. Requesting and/or receiving informa-

tion from the Joint Staff or the SOCOM Commander is not the same as interceding. As I testified, I recall learning of a death at Bagram and asked the SOCOM Commander to investigate. SO/LIC respects the chain of command associated with special operations forces, and does not bypass it.

New START Extension

Question. In April last year, President Trump initiated a new arms control effort aimed at persuading China to join a trilateral arms-control pact limiting its capabilities and bringing Russian non-strategic nuclear weapons currently unregulated by treaties under new limits. This effort was designed to replace the New START treaty which President Trump called a one-sided deal. Yet, here we are only seven months before the New START Treaty is slated to expire, with China refusing to engage in talks and Russia unwilling to discuss non-strategic nuclear systems unless the United States puts a variety of other things on the table. In light of zero progress being made on trilateral arms control, what is the administration's position on New START? Should the treaty be extended?

Answer. I would not assess that we have made "zero progress." The first round of Vienna talks were positive. The two sides had detailed discussions on a full range of nuclear topics, including China's secretive, non-transparent nuclear build-up, and potential areas of cooperation with Russia. And as I mentioned in the hearing, expert level working groups are meeting for a follow up round next week. We are willing to contemplate an extension of New START, but only under select circumstances. We are open to various options, provided that nuclear arms control reflects the changing security environment.

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Answer. The first round of Vienna talks were positive. The two sides had detailed discussions on a full range of nuclear topics, including China's secretive, non-transparent nuclear build-up, and potential areas of cooperation with Russia. And as I mentioned in the hearing, expert level working groups are meeting for a follow up round next week. We are willing to contemplate an extension of New START, but only under select circumstances. We are open to various options, provided that nuclear arms control reflects the changing security environment.

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Answer. Certainly. As for the issues that Russia may bring in a negotiating process, we cannot stop their side from raising particular issues. We will listen and discuss these topics as they arise.

Question. In April last year, President Trump initiated a new arms control effort aimed at persuading China to join a trilateral arms-control pact limiting its capabilities and bringing Russian non-strategic nuclear weapons currently unregulated by treaties under new limits. This effort was designed to replace the New START treaty which President Trump called a one-sided deal. Yet, here we are only seven months before the New START Treaty is slated to expire, with China refusing to engage in talks and Russia unwilling to discuss non-strategic nuclear systems unless the United States puts a variety of other things on the table. If the treaty is not extended, what plans does the administration have to deter Russia when Russia has the ability to rapidly upload thousands of new warheads onto strategic systems that threaten the U.S.?

Answer. We must be very clear to the Russians that the United States intends to take whatever actions are necessary to safeguard American national security and to protect the American people, as well as that of our allies and partners. If Russia decides to upload thousands of new warheads onto strategic systems, the United States will take appropriate steps.

Question. The administration has, despite pushback from our allies, announced that it will withdraw from the Open Skies Treaty. Additionally, the administration has gone about withdrawal in a way that violates U.S. law. How will the U.S. contend with the fact that Open Skies will likely remain in force and that Russia will be able to fly over our bases and other assets in Europe without U.S. input?

Answer. Russia and other States Parties to the Treaty have been able to fly over U.S. facilities abroad throughout the duration of the Treaty, so this is not a new challenge. As the administration explained to the Congress in May, the United States is working with Allies and partner countries that host our forces on arrangements for informing us when overflights are notified that could impact U.S. forces.

Question. The administration has, despite pushback from our allies, announced that it will withdraw from the Open Skies Treaty. Additionally, the administration has gone about withdrawal in a way that violates U.S. law. What responses specifically have you received from allies in Europe?

Answer. The United States discussed extensively with Allies and partners our concerns about Russian compliance with Open Skies and made clear that withdrawal was a possibility. While many Allies regard the Treaty on Open Skies as an essential part of the European security architecture, they understand that Russia bears responsibility for the erosion of that architecture through its repeated violations of its arms control, nonproliferation, and disarmament commitments and obligations, not to mention its contravention of Helsinki Final Act principles. While some may not agree with our decision, they all share our concerns over Russia's violations. We continue to work closely with them to find common ground to move forward collectively.

Question. The administration has, despite pushback from our allies, announced that it will withdraw from the Open Skies Treaty. Additionally, the administration has gone about withdrawal in a way that violates U.S. law. Why was there no meaningful consultation with this committee or the Senate before making this announcement to withdraw from a treaty that had senate advice and consent?

Answer. I understand that the administration has conducted meaningful consultations with Congress, including expert-level briefings, responses to questions for the record, and conversations with senior officials, including Assistant Secretary Ford, the official performing the functions of the Under Secretary for Arms Control and International Security, both before and since making the announcement of our intent to withdraw from the Treaty.

China and Arms Control

Question. On a number of occasions, I noted that I welcome efforts to expand the scope of arms control to include China. My concern is that the administration isn't serious about this effort, and is instead using the difficulty of engaging China on strategic issues as an excuse to destroy our current bilateral and multilateral arms control efforts. What are the latest developments in our efforts to engage China in arms control dialogue? What issues is the administration seeking to engage China on?

Answer. We are serious about this effort. The United States has extended an open invitation to China to engage in trilateral arms control negotiations and bilateral discussions on nuclear arms control and risk reduction. I am cautiously optimistic that we will find a mechanism for discussing nuclear arms control with the Chinese Communist Party. We need to discuss China's crash nuclear build-up.

Question. On a number of occasions, I noted that I welcome efforts to expand the scope of arms control to include China. My concern is that the administration isn't serious about this effort, and is instead using the difficulty of engaging China on strategic issues as an excuse to destroy our current bilateral and multilateral arms control efforts. What lines of effort have you committed to bring China to the table?

Answer. Senator, I cannot discuss our diplomatic strategy to bring China to the table in this venue. However, as I demonstrated by testifying before the committee in a classified setting prior to engaging the Russians in Vienna, I am committed to close and recurring consultations with the committee.

Question. On a number of occasions, I noted that I welcome efforts to expand the scope of arms control to include China. My concern is that the administration isn't serious about this effort, and is instead using the difficulty of engaging China on strategic issues as an excuse to destroy our current bilateral and multilateral arms control efforts. It has been over a year since this initiative started; has anything concrete been achieved during this period?

Answer. The first round of Vienna talks with Russia were positive. The two sides had detailed discussions on a full range of nuclear topics, including China's secretive, non-transparent nuclear build-up, and potential areas of cooperation with Russia. And as I mentioned in the hearing, expert level working groups are meeting for a follow up round next week. We need to make progress in the crucial areas of addressing the incredibly worrisome crash nuclear program of China, a number of greatly concerning Russian behaviors that have been engineered to occur outside of the New START Treaty's constraints, and having an effective verification regime that can provide a high level of confidence that there is compliance with the commitments undertaken by all three parties to a future agreement.

Question. On a number of occasions, I noted that I welcome efforts to expand the scope of arms control to include China. My concern is that the administration isn't serious about this effort, and is instead using the difficulty of engaging China on strategic issues as an excuse to destroy our current bilateral and multilateral arms control efforts. China's nuclear arsenal is far smaller than that of the United States and Russia, with only approximately 300 warheads and 100 strategic systems. How have you attempted to convince China entering into an arms control dialogue is in its best interests?

Answer. The United States has extended an open invitation to China to engage in trilateral arms control negotiations and bilateral discussions on nuclear arms control and risk reduction. China is required under the NPT to pursue negotiations in good faith on effective measures relating to nuclear disarmament. What China wants is to be afforded great power status. There is no better way to be seen as a great power than for China to sit down with the United States and Russia to negotiate.

Verification Measures for New START Treaty

Question. Has the State Department been using the monitoring and verification tools provided to it in the New START treaty to verify that Russia is in compliance with the treaty?

Answer. Yes.

Question. Do the counting rules of the New START treaty for delivery platforms and nuclear warheads provide the United States increased flexibility for its nuclear posture in comparison to the START treaty?

Answer. The shift from attributing the number of warheads on types of treaty-accountable intercontinental-ballistic missiles and submarine-launched ballistic missiles under the START Treaty to counting the actual number of warheads deployed on treaty-accountable intercontinental-ballistic missiles and submarine-launched ballistic missiles under the New START Treaty provides the United States with flexibility.

Question. What verification measures were put in place for the Strategic Offensive Reductions Treaty (SORT) signed by Russia and the United States in 2002?

Answer. The SORT Treaty did not mandate verification measures. Russia and the United States agreed in Article II of the SORT Treaty that the Strategic Arms Reduction Treaty (START) would remain in force in accordance with its terms. Additionally, the SORT Treaty mandated the convening of a Bilateral Implementation Commission on a biannual basis.

Violations of Arms Export Control Regulations

Question. For a year and a half, I have been trying to get State to provide information to the committee concerning whether or not State is conducting investigations over numerous public allegations of violations of arms export control regulations—especially by Americans acting as mercenaries or providing military services to foreign governments without authorization. I have been told that, essentially, it is none of my business, and that State/PM will tell us if and when an investigation is concluded. This is obviously unsatisfactory, and it prevents the committee from exercising oversight to ensure that PM is actually undertaking such investigations, or simply ignoring the allegations. By way of example, my own staff uncovered an export violation by General Atomics, of which they themselves claim not to have

been aware. General Atomics made a voluntary disclosure of the violation to State/PM in February; however, PM tells my staff that the investigation is still ongoing, 5 months later, even though a confession is in hand—and PM is, incidentally, seeking to clear another license for the same company for the same product to the same country, without being certain that the company has fixed its export control failures beforehand. If you are confirmed, do you commit that PM will give to the Ranking Member's staff full and timely information about what potential export control violations are being investigated, and that you will ensure that such investigations are indeed pursued upon receipt of credible information of such potential violations, and will be conducted in a vigorous and timely manner?

Answer. I appreciate the critical importance of congressional oversight. If confirmed, I will work to ensure effective communication between the Department and Congress to enable Congress to perform its oversight role. Furthermore, if confirmed, I will seek to maintain the integrity of the Department's investigations into potential export control violations, which includes pursuing investigations of potential export control violations in a vigorous and timely manner.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED
TO HON. MARSHALL BILLINGSLEA BY SENATOR BENJAMIN L. CARDIN

Question. What are your most meaningful achievements to date in your career to promote human rights and democracy? What has been the impact of your actions?

Answer. While serving as the Assistant Secretary of the Treasury, I was one of the administration's foremost champions of human rights and combatting corruption. In that capacity, I advocated for and drove the implementation of more than 700 sanctions using human rights and corruption-related authorities. I have traversed the globe pursuing human rights abusers and their finances, and a number of them have found their access to the international financial system cut off due to these actions. I have prioritized, in particular, actions against the Maduro regime in Venezuela, and the Ortega regime in Nicaragua. I also have worked closely with the Office of Foreign Assets Control (OFAC) to impose sanctions on the Iranian regime officials engaged in repression of the Iranian people. Further, I worked closely with The Sentry on a range of human rights and corruption issues in Sub-Saharan Africa. I also worked with all Gulf States to stop the export of North Korean labor, which helps finance its WMD programs.

I am gratified that a number of human rights and democracy activists, as well as courageous members of the Venezuelan opposition, wrote letters to the committee in support of my previous nomination. In particular, I am humbled that Venezuelan President Juan Guaido took the time to write in support of my previous nomination while evading persecution at the hands of the Maduro regime.

I am honored that these incredible men and women, who so valiantly speak out against the brutality of the former Maduro regime in the hope of a better future for the Venezuelan people supported my previous nomination.

If confirmed by the Senate, I will bring to the role of Under Secretary a strong moral and ethical voice that will advance our strategic interests and a proven track record of leadership on human rights.

Question. If confirmed, what would be your priorities for determining which countries are able to purchase U.S. weapons?

Answer. If confirmed, I would direct comprehensive arms transfer reviews, consistent with U.S. legal authorities, that weigh a wide range of foreign policy, economic security, and national security objectives the United States seeks to advance through defense trade. If confirmed, I would ensure the Department continues to carefully consider the effect each potential transfer has on responding to legitimate U.S. and recipient country security needs; protecting the U.S. military technology edge; providing additional U.S. access and influence with partners; maintaining nonproliferation objectives; and respect for human rights.

Question. If confirmed, do you commit to making human rights a priority in U.S. arms sales negotiations?

Answer. Yes. Among other diplomatic, commercial, and security considerations, human rights are a criterion in considering arms transfers, as reflected in U.S. law and the President's Conventional Arms Transfer Policy. If confirmed, I will effectuate and continue to comply with this Policy.

Question. If confirmed, how would you seek to hold countries accountable in the event that U.S. resources are used to harm civilians?

Answer. Prevention of civilian casualties globally, regardless of the origin of the resources used, is a U.S. foreign policy priority. I will, if confirmed, seek to advance this objective, including in my engagements with senior foreign officials. The United States has a special responsibility and unique levers of influence when U.S. resources are implicated. The Leahy laws restrict U.S. assistance to any foreign security force unit where there is credible information that the unit committed a gross violation of human rights. Additionally, as reflected in the President's Conventional Arms Transfer Policy, human rights concerns must be considered prior to making arms transfer decisions, and, if confirmed, I will continue to follow the Policy. I also would, if confirmed, prioritize security assistance to key nations to reduce the dangers to innocent civilians posed by remnants of war.

Question. Do you commit to providing information to this committee regarding U.S. arms sales?

Answer. Yes, I agree to accommodate all congressional requests for information by supplying the requested information to the fullest extent, consistent with applicable statutes, the U.S. Constitution, and Department of State procedures.

Question. Research from private industry demonstrates that, when managed well, diversity makes business teams better both in terms of creativity and in terms of productivity. What will you do to promote, mentor, and support your staff that come from diverse backgrounds and underrepresented groups?

Answer. That was certainly my experience at Deloitte, and within the Federal Government as well. If confirmed, I will support and promote the efforts the Department is currently undertaking to foster a culture of inclusion and representative workforce. I will encourage promoting diversity and inclusion in the hiring process through standardized interview procedures. I will promote the expansion of workplace flexibilities, including telework and alternative work schedules, and Leave Without Pay (LWOP) options, similar to "boomerang talent" programs in the private sector. I will learn from and listen to employees using mechanisms like the Open Conversations platform and the Department's new centralized exit survey. I will promote and encourage all employees to take the Mitigating Unconscious Bias course.

Question. What steps will you take to ensure each of the supervisors under your direction at the State Department are fostering an environment that is diverse and inclusive?

Answer. If confirmed, I will support and promote the efforts the Department is currently undertaking to ensure leaders under my direction are fostering a culture and environment of inclusion. I will promote habits and practices among the leadership that focus on inclusion as a key driver for retaining diverse talent. I will promote Diversity and Inclusion Best Practices and tips for inclusive hiring practices and standardized interview guidance. I will support the review of existing mentoring programs and how they can be bolstered. I will support the requirement of all hiring managers to take the Mitigating Unconscious Bias course.

Conflicts of Interest

Question. Do you commit to bring to the committee's attention (and the State Department Inspector General) any change in policy or U.S. actions that you suspect may be influenced by any of the President's business or financial interests, or the business or financial interests of any senior White House staff?

Answer. Yes, I commit to comply with all relevant Federal ethics laws, regulations and rules, and to raise concerns that I may have through appropriate channels.

Question. Do you commit to inform the committee if you have any reason to suspect that a foreign government, head of state, or foreign-controlled entity is taking any action in order to benefit any of the President's business or financial interests, or the interests of senior White House staff?

Answer. Yes, I commit to comply with all relevant Federal ethics laws, regulations and rules, and to raise concerns that I may have through appropriate channels.

Question. Do you or do any members of your immediate family have financial interests in any country abroad?

Answer. My investment portfolio includes diversified mutual funds, which may hold interests in companies with a presence overseas, but which are exempt from the conflict of interest laws. I also own interest in a few individual stocks in companies that may have a presence abroad. I am committed to ensuring my official ac-

tions will not give rise to a conflict of interest, and I will remain vigilant with regard to my ethics obligations.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO HON. MARSHALL BILLINGSLEA BY SENATOR TIM KAINE

Question. Saudi Arabia is proceeding with construction on its first nuclear research reactor without having updated its safeguards agreement with the IAEA. The outdated small quantities protocol that Saudi Arabia has in place makes it more difficult for the agency to verify the design of the reactor and is inadequate for monitoring the country's nuclear activities, particularly given Saudi Arabia's past threats to pursue nuclear weapons. What is the administration doing, and what will you do if confirmed, to encourage Saudi Arabia to update its small quantities protocol with the IAEA to allow for more intrusive and thorough monitoring of its nuclear program?

Answer. Saudi Arabia's research reactor will be subject to International Atomic Energy Agency (IAEA) safeguards, consistent with Saudi Arabia's obligations under the Nuclear Non-Proliferation Treaty (NPT). The United States calls on all states to fully meet their obligations under the NPT and IAEA safeguards agreements. If confirmed, I will encourage Saudi Arabia to rescind the Small Quantities Protocol (SQP) to its safeguards agreement and simultaneously adopt the IAEA's Additional Protocol (AP). While the SQP will cease to apply once the fuel is received, rescinding the SQP and adopting the AP before then would demonstrate Saudi Arabia's intent to undertake civil nuclear activities in an open and transparent manner. As I testified, I also will pursue the "gold standard" in negotiations with Saudi Arabia on a 123 Agreement, which de facto includes adoption of the Additional Protocol.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED
TO HON. MARSHALL BILLINGSLEA BY SENATOR EDWARD J. MARKEY

Question. If confirmed, or so long as you hold your current position, can you commit that you will oppose actions to withdraw from, or no longer implement U.S. obligations under the New Strategic Arms Reduction Treaty (New START) prior to February 5, 2021? If not, what are the "extraordinary events" that would lead you to support withdrawal under Article XIV?

Answer. As stated in the 2018 Nuclear Posture Review (NPR), the United States remains committed to the continued implementation of the New START Treaty and verifying Russian compliance. We are not considering withdrawing from New START, which has a term of ten years and we are determined to implement it fully for so long as it remains in force.

Question. You have said that it is not realistic for China to enter the New START Treaty as a third-party as it may create an unwelcomed incentive for China to expand its nuclear arsenal to match or get closer to the same Central Treaty Limits to which the United States and Russia are bound. In light of this, why is a decision on the extension of the New START Treaty preconditioned on China joining trilateral arms control negotiations? What incentives will the United States offer China to convince it to participate in this process? Has China indicated a willingness to engage in this process to date?

Answer. We are willing to contemplate an extension of New START, but only under select circumstances. We need to make progress in the crucial areas of addressing the incredibly worrisome crash nuclear program of China, a number of greatly concerning Russian behaviors that have been engineered to occur outside of the New START Treaty's constraints, and having an effective verification regime that can provide a high level of confidence that there is compliance with the commitments undertaken by Russia and China in a future agreement. China will face international condemnation if it refuses to meet the imperative to pursue negotiations.

Question. You have said that the New START verification regime "has very little of what the original START treaty contained and has significant loopholes in the way verification is physically conducted, which the Russians have been exploiting." However, the State Department's December 2019 Section 1247 Report, On The Reasons That Continued Implementation Of The New START Treaty is in The National

Security Interest Of The United States, states in part that: “The New START Treaty’s limits on Russia’s strategic nuclear force, establishment of data exchanges including the locations, numbers, and technical characteristics of weapons systems and facilities, and its verification provisions, which grant the United States access to Russian facilities containing deployed or non-deployed strategic systems, currently contribute to the national security of the United States.” Specifically, what are the “significant loopholes” that the Russians are exploiting with regards to the deployment and non-deployment of treaty accountable strategic systems?

Answer. We need to restore the principle that arms control agreements be effectively verifiable. The New START Treaty suffers from some serious verification inadequacies, of which I will offer two examples. First, over the past decade since New START has been in force, Russia has not been required to provide telemetry on any of their new systems under development, and they certainly have not. Second, there are exploitable loopholes with onsite inspection procedures, such as the length of time given before inspectors are allowed to the location in question.

Question. The New START took two years to negotiate and ratify. As we are only six months away from treaty expiration, is it feasible to “open up” or amend the New START Treaty or negotiate an entirely new treaty and for the Senate to give its advice and consent on a resolution of ratification before February 5, 2021? If you do believe it is feasible, can you refer to past bilateral arms control treaty where negotiation and conclusion was completed in six months?

Answer. There are a number of implementation measures that could be pursued quickly and that might address some of the outstanding verification deficiencies within New START should a decision to pursue those be made. We are willing to contemplate an extension of New START, but only under select circumstances. How our concerns are addressed will likely impact the outlook on extension. As our goal is to include China in a new agreement, the United States does not want to “open up” or amend New START to include China into New START. New START is by its terms a bilateral agreement.

Question. You have expressed concern about the lack of transparency in China’s strategic nuclear doctrine and in regards to the composition of its strategic forces. Would an expiration of the bilateral New START Treaty, and the loss of publically available aggregate information on U.S.-Russian nuclear-force structure (not to mention a possible U.S. and Russian expansion of their strategic forces above 1,550) make it more or less likely that China would engage in meaningful transparency and confidence building measures?

Answer. A responsible power, committed to principles of fairness and reciprocity and seeking to reduce nuclear danger, should welcome any opportunity to engage in good faith negotiations on these important topics. And China is required under the NPT to pursue negotiations in good faith on effective measures relating to nuclear disarmament. The United States will continue to extend an open invitation to China to engage in arms control negotiations.

Question. You have stated that it is the U.S. desire to put limits on all types of nuclear weapons of Russia, including non-strategic nuclear weapons (NSNW). As you told Senator Barrasso in yesterday’s hearing that the United States “will not accept limitations on missile defense,” how will you overcome Russia’s longstanding precondition that the United States and NATO make changes to the European Phased Adaptive Approach (EPAA) to missile defense? Additionally, is the United States prepared to repatriate U.S. nuclear weapons stationed in NATO countries—as part of a new treaty/agreement with Russia capturing this class of weapons—and have you briefed NATO allies on the ways in which that would change NATO’s nuclear deterrence policy and forces?

Answer. The President has made clear the United States will not accept legally-binding, treaty-based limits on U.S. missile defenses. However, Russia is a sovereign country; we cannot prevent it from raising missile defenses, and we will listen and discuss our position on missile defense if it arises. It would be disadvantageous for the United States to publicly discuss its tactics in pursuit of a new arms control agreement. I understand that any changes to NATO’s nuclear posture would be made by the Alliance, rather than by the United States.

Question. If confirmed, or so long as you hold your current position as Ambassador, can you commit that you will not support any action to un-sign the Comprehensive Nuclear Test Ban Treaty (CTBT) or withhold obligating funds to the Comprehensive Test Ban Treaty Organization (CTBTO)?

Answer. The United States has made clear that it does not intend to pursue ratification of the CTBT. The United States continues to support the comprehensive Nu-

clear-Test-Ban Treaty Organization Preparatory Commission as well as the International Monitoring System and International Data Centre. The President's budget fully funds the U.S. assessment to the Preparatory Commission.

Question. Would entry into force of the CTBT, unlocking the on-site inspection measures of the Treaty, be a helpful way to verify Trump administration concerns that China and Russia may have violated the zero-yield scope of the Treaty? Short of entry-into-force of the CTBT, if confirmed, would you support reciprocal site visits to China, Russia, or any other country's (former) test sites to build confidence that no country is violating the Treaty by carrying out low-yield nuclear explosives tests?

Answer. Given the believed very low yield of the Russian explosive nuclear testing, it is unlikely that the International Monitoring System would ever detect such tests, so the on-site inspection mechanism would likely never be triggered. Nor would such inspections likely be able to address our concerns about Chinese testing activities. The United States has long been interested in conducting reciprocal nuclear test site visits and has suggested this possibility to both China and Russia numerous times, to no avail.

Question. What advancements have been made to the CTBTO's verification architecture—namely the International Data Centre (IDC) and International Monitoring System (IMS)—since the U.S. Senate's last consideration of the CTBT in 1999?

Answer. At the time of Senate consideration of the Comprehensive Nuclear-Test-Ban Treaty in 1999, there were no certified International Monitoring System (IMS) facilities; today there are 300 such facilities. The International Data Centre was in its infancy and was only beginning to establish a capability to receive, process, and distribute data. Today it regularly receives, processes, analyzes, and distributes data from the 300 IMS facilities. The system has accurately detected and analyzed six North Korean explosive nuclear tests. That said, the Senate rejected the CTBT on verification grounds, among other concerns, and those problems persist.

Question. Were you one of the senior Trump administration officials who reportedly advocated for a U.S. "demonstration" nuclear-weapons test in a May meeting of the National Security Council? If confirmed, can you commit that you will not support conducting a nuclear-test explosion primarily to obtain diplomatic leverage in negotiations with Russia and/or China?

Answer. I will not comment on internal deliberations of the administration. The administration's policy on this has been well established in the Nuclear Posture Review, and it has not changed. I have testified that I am unaware of any compelling safety or reliability reason to resume nuclear explosive testing at this time.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO HON. MARSHALL BILLINGSLEA BY SENATOR JEFF MERKLEY

Question. Russia has offered to extend the New START Treaty, the last remaining arms control agreement between the United States and Russia limiting the world's two largest nuclear arsenals, set to expire in February 2021. However, the administration has refused to commit to extending New START on the grounds that it is instead pursuing a trilateral arms control agreement that includes both Russia and China. What evidence do you have to suggest that a new trilateral agreement with Russia and China can be concluded before the New START Treaty expires on February 5, 2021?

Answer. The first round of Vienna talks were positive, though only Russia attended. Our discussions with Russian counterparts covered the full-range of nuclear topics, including China's secretive, non-transparent nuclear build-up, and identified potential areas of cooperation. Based on that substantive discussion, we have agreed on a detailed agenda that will guide the work of expert level working groups, which will meet during the week of July 27, 2020. While China did not attend the first round of Vienna talks, I remain cautiously optimistic that we will have a substantive discussion on nuclear arms control in the future.

Question. How and when do you expect that a new trilateral agreement to replace the New START Treaty will be negotiated, ratified, and implemented?

Answer. We need to make progress in the crucial areas of addressing the worrisome, crash nuclear build-up of China, a number of greatly concerning Russian behaviors that have been engineered to occur outside of the New START Treaty's constraints, and reconstitution of an effective verification regime that can provide a high level of confidence that there is compliance with the commitments undertaken

by all three parties to a future agreement. China risks international condemnation if it refuses to engage in good faith arms control negotiation. We are looking at the full range of options to get a successful outcome with China, as well as Russia, but it is premature to speculate about any timelines associated with a trilateral agreement. That said, if we wait to negotiate a legally-binding treaty for Senate consideration until after China has fully built up its nuclear arsenal, we will have waited too long.

Question. China, which has a far smaller nuclear arsenal than the United States and Russia, has repeatedly refused to join trilateral talks. What evidence do you have to suggest that China will come to the table?

Answer. As I testified before the committee in closed session, China is engaged in a crash build-up. The United States continues to press that China to engage with both U.S. and Russia on arms control and nuclear risk reduction, as are an increasing number of other nations. It is in China's best interest to do so. In the interim, the United States will continue to highlight China's secretive nuclear build-up. We see clear indications that the Chinese Communist Party is reacting to the international pressure we are generating.

Question. You reportedly stated that "it is incumbent on the Chinese, to recognize that they have an obligation to negotiate with us and the Russians in good faith. And we intend to hold them to that obligation." By what means do you intend to hold China to its ostensible obligation to do so?

Answer. China is required under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) to pursue negotiations in good faith on effective measures relating to nuclear disarmament. We are looking at the full range of options to get a successful outcome with China, as well as Russia, but it is premature to speculate right now further about the kinds of leverage that we have and may employ. I remain optimistic that persuasive tools will bring China to the table.

Question. What discussions have you had to date with Chinese officials regarding arms control or strategic stability?

Answer. Senator, I cannot comment publicly on the state of these discussions. I appreciate the previous discussion we had, and can speak to this issue further in a classified setting.

Question. In your nomination hearing, you cited the importance of transparency and confidence-building measures regarding China's nuclear arsenal. Has the administration proposed specific transparency or confidence building measures to the Chinese and if so what are they?

Answer. The United States has invited China to discuss arms control and nuclear risk reduction in both bilateral and trilateral formats. While I cannot provide details on negotiating strategy in this venue, we would seek to discuss the types of specific transparency and confidence building measures both with China and Russia.

Question. Is there a point at which, if insufficient progress is made on a new trilateral arms control agreement or during consultations with Russia, you would commit to extending New START so as to ensure the world's two largest nuclear arsenals do not go unconstrained?

Answer. Senator, as you and I discussed previously, all options are on the table regarding New START. We are in the middle of talks with Russia and continue to call on China to come to the table. It would be disadvantageous for the United States to publicly discuss our negotiating strategy in this venue, but I commit to staying in close contact with you on this matter.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO HON. C.J. MAHONEY BY SENATOR JAMES E. RISCH

Question. The administration has secured a number of important commitments from Mexico to modernize and bolster the United States' relationship with our largest trading partner. However, some in the U.S. business community are expressing concern that Mexico has not yet fully implemented a number of commitments to the agreement despite its entry into force on July 1. There are also a growing number of concerns related to Mexico's declining investment environment generally and, in particular, some in the business community are claiming that the Mexican government appears willing to terminate significant contracts with private, foreign companies for what appear to be political reasons. For example, some have argued that

Mexico may be discriminating against U.S. digital media companies through the strict interpretation by the Federal Institute of Telecommunications (IFT) of the so-called “six-minute rule” for U.S. Pay-TV providers, possibly in violation of USMCA. Another company has raised concerns regarding Mexico City’s recent termination of a multi-billion dollar concession to a subsidiary of a private American company, Libre LLC, for the provision of taxi hailing services, arguing that such a cancellation may violate USMCA and thereby raising questions regarding Mexico’s status as a reliable supply chain partner. What are your thoughts on these concerns?

Answer. In my capacity as Deputy USTR, I met with stakeholders on both the “six-minute rule” and the Libre issues. I agree with you that both issues raise concerns. The USMCA contains strong protections for U.S. producer and investor interests. Protecting and advancing the interests of U.S. producers and investors is a top administration priority. If confirmed, I will utilize the tools provided in the USMCA, as well as the resources of the State Department, other U.S. Government agencies, and U.S. law to work to ensure American business are protected from unfair trade practices.

Question. Is there a growing problem with the business environment in Mexico?

Answer. Protecting and advancing the interests of U.S. producers and investors is a top administration priority. The U.S.-Mexico-Canada Agreement provides a strong foundation for advancing U.S. business interests and a strong base for increasing confidence in the North American production platform. If confirmed, I will continue to engage with the Mexican government to emphasize the importance of the rule of law and contract sanctity, and work to ensure the business investment environment remains strong for U.S. investors and the Mexican people.

Question. If confirmed, what actions do you intend to take to ensure that the USMCA agreement is vigorously enforced and, specifically, to expeditiously resolve these and related concerns by the U.S. business community?

Answer. As one of the principal negotiators of USMCA, I am deeply invested in ensuring that the agreement is implemented as intended and vigorously enforced. The USMCA contains strong protections for U.S. producer and investor interests. Protecting and advancing the interests of U.S. producers and investors is a top administration priority. If confirmed, I will utilize the tools provided in the USMCA, as well as the resources of the State Department, other U.S. Government agencies, and U.S. law to protect the rights of American businesses.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED
TO HON. C.J. MAHONEY BY SENATOR BENJAMIN L. CARDIN

Question. What are your most meaningful achievements to date in your career to promote human rights and democracy? What has been the impact of your actions?

Answer. As Deputy U.S. Trade Representative, I oversaw the completion of a high-standard, anti-corruption chapter in the USMCA and personally negotiated several key labor provisions, including first-of-its-kind language requiring the parties to address acts of violence against workers and an innovative rapid response enforcement mechanism. These provisions hopefully will become part of the new template for U.S. free trade agreements and have already helped to strengthen the independent labor movement in Mexico. As the principal administration official responsible for the African Growth and Opportunity Act (AGOA) program, I led efforts to suspend Mauritania and Cameroon’s eligibility due to human rights violations. These actions sent a strong signal to other AGOA countries that the United States is serious about enforcing the program’s eligibility criteria.

Question. Research from private industry demonstrates that, when managed well, diversity makes business teams better both in terms of creativity and in terms of productivity. What will you do to promote, mentor, and support your staff that come from diverse backgrounds and underrepresented groups?

Answer. If confirmed, I will support and promote the efforts the Department is currently undertaking to foster a culture of inclusion and representative workforce. I will also ask the staff of the Office of the Legal Adviser for their opinions on whether the Office can be doing more to foster diversity and inclusion within the Office and will support additional efforts toward these goals. I will encourage diversity and inclusion in recruitment efforts and promoting equal opportunity through standardized interview procedures. I will promote the expansion of workplace flexibilities, including telework and alternative work schedules, and leave without pay

options, similar to “boomerang talent” programs in the private sector. I will learn from and listen to employees using mechanisms like the Open Conversations platform and the Department’s new Centralized exit survey. I will encourage all employees to take the Mitigating Unconscious Bias course and will set an example by committing to taking it myself.

Question. What steps will you take to ensure each of the supervisors under your direction at the State Department are fostering an environment that is diverse and inclusive?

Answer. If confirmed, I will support and promote the efforts the Department is currently undertaking to ensure leaders under my direction are fostering a culture and environment of inclusion. I will encourage habits and practices among the leadership that focus on inclusion as a key driver for retaining diverse talent. I will promote diversity and inclusion best practices and tips for inclusive hiring practices and standardized interview guidance. I will support the review of existing mentoring programs and how they can be bolstered. I will support the requirement of all hiring managers to take the Mitigating Unconscious Bias course and will set an example by committing to taking it myself.

Question. Do you commit to bring to the committee’s attention (and that of the State Department Inspector General) any change in policy or U.S. actions that you suspect may be influenced by any of the President’s business or financial interests, or the business or financial interests of any senior White House staff?

Answer. Yes. If confirmed, I commit to complying with all relevant federal ethics laws, regulations, and rules, and to raise any concerns that I may have through appropriate channels.

Question. Do you commit to inform the committee if you have any reason to suspect that a foreign government, head of state, or foreign-controlled entity is taking any action in order to benefit any of the President’s business or financial interests, or the interests of senior White House staff?

Answer. Yes. If confirmed, I commit to complying with all relevant federal ethics laws, regulations, and rules, and to raise any concerns that I may have through appropriate channels.

Question. Do you or do any members of your immediate family have financial interests in any country abroad?

Answer. My investment portfolio includes diversified mutual funds, including funds that hold interests in foreign companies, companies with a presence overseas, and companies that have interests in various foreign countries, but which are exempt from the conflict of interest laws. My spouse is also the beneficiary of certain family trusts, but neither of us is aware of the trusts’ financial holdings. My understanding is that they consist of widely diversified mutual funds. I divested from all individual stock holdings when I joined USTR. I am committed to following all applicable ethics laws and regulations and I will remain vigilant with regard to my ethics obligations.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED
TO HON. C.J. MAHONEY BY SENATOR CHRISTOPHER A. COONS

Question. According to public reporting, a July 7, 2020 U.S. Department of State memorandum stated that Hazem el-Beblawi, a former Egyptian interim prime minister and current International Monetary Fund (IMF) board member who lives in the United States, should be granted “full immunity.” The memorandum comes in response to a lawsuit filed by Mohamed Soltan, an Egyptian-American dual citizen who was subject to torture in prison in Egypt. The lawsuit claims that Mr. el-Beblawi directed Mr. Soltan’s torture. Is it your understanding that IMF officials or officials from other international organizations headquartered in the United States are accorded immunity?

Answer. My understanding is that Mr. Hazem El-Beblawi is the Principal Resident Representative of Egypt to the IMF. Pursuant to Article V, Section 15(4) of the Agreement Between the United Nations and the United States Regarding the Headquarters of the United Nations, principal resident representatives of members of a “specialized agency” are entitled to the same privileges and immunities as are accorded to diplomatic envoys accredited to the United States. The Agreement between the United Nations and the International Monetary Fund establishes that the

IMF is such a “specialized agency.” In the United States, the privileges and immunities of diplomatic envoys (now called “diplomatic agents”) are those provided under the Vienna Convention on Diplomatic Relation (VCDR). Therefore, Mr. El-Beblawi, as the Principal Resident Representative of Egypt to the IMF, enjoys the same privileges and immunities in the United States as would a diplomatic agent under the VCDR.

I note, however, that I am aware of the allegations in Mr. Soltan’s complaint, which I find quite troubling. I have appreciated the relationship that I have had with your office over the past two-and-a-half years at USTR and commit to making myself available to you and your staff in the future to discuss this and other issues of concern.

Question. According to public reporting, a July 7, 2020 U.S. Department of State memorandum stated that Hazem el-Beblawi, a former Egyptian interim prime minister and current International Monetary Fund (IMF) board member who lives in the United States, should be granted “full immunity.” The memorandum comes in response to a lawsuit filed by Mohamed Soltan, an Egyptian-American dual citizen who was subject to torture in prison in Egypt. The lawsuit claims that Mr. el-Beblawi directed Mr. Soltan’s torture. How unusual is it to grant immunity to an IMF official retroactively?

Answer. My understanding is that Mr. El-Beblawi was not granted immunity retroactively. The Department provided a certification to the Government of Egypt confirming the immunity Mr. El-Beblawi enjoys under international law, consistent with his status as the Principal Resident Representative of Egypt to the IMF. Such a certification does not itself grant immunity. I am informed, as set forth in the certification, that the official records of the Department indicate Mr. El Beblawi was notified to the Department as assuming his duties as Principal Resident Representative of Egypt to the IMF, effective November 2, 2014, and he continues to serve in such capacity. I further understand issuing such a certification is the Department’s standard practice in any case in which a foreign government requests confirmation of a diplomat’s immunity.

Question. According to public reporting, a July 7, 2020 U.S. Department of State memorandum stated that Hazem el-Beblawi, a former Egyptian interim prime minister and current International Monetary Fund (IMF) board member who lives in the United States, should be granted “full immunity.” The memorandum comes in response to a lawsuit filed by Mohamed Soltan, an Egyptian-American dual citizen who was subject to torture in prison in Egypt. The lawsuit claims that Mr. el-Beblawi directed Mr. Soltan’s torture. Do you consider immunity to be absolute and unconditional? Are there circumstances in which immunity should be withdrawn? Do you believe allegations of torture against a U.S. citizen are an example of one such circumstance?

Answer. Any immunity that an individual might enjoy in the United States depends on that individual’s status and the relevant instrument(s) providing for immunity. The immunity enjoyed by diplomatic agents under the VCDR includes complete immunity from the criminal jurisdiction of the United States, as well as immunity from the civil and administrative jurisdiction of the United States, with limited enumerated exceptions that do not include allegations of torture and otherwise do not apply in this matter. The VCDR does not permit unilateral withdrawal of immunity, even in the present circumstances. The immunities provided for under the VCDR also protect U.S. diplomats overseas from being brought into foreign courts on the basis of allegations, founded or unfounded, of wrongdoing.

Question. According to public reporting, a July 7, 2020 U.S. Department of State memorandum stated that Hazem el-Beblawi, a former Egyptian interim prime minister and current International Monetary Fund (IMF) board member who lives in the United States, should be granted “full immunity.” The memorandum comes in response to a lawsuit filed by Mohamed Soltan, an Egyptian-American dual citizen who was subject to torture in prison in Egypt. The lawsuit claims that Mr. el-Beblawi directed Mr. Soltan’s torture. Do you think the U.S. Department of State should be weighing in on immunity for former foreign government officials in a U.S. civil suit that alleges gross violations of human rights?

Answer. My understanding is that, in this case, the Department provided a certification to the Government of Egypt confirming the immunity that Mr. El-Beblawi enjoys under international law, consistent with his status as the Principal Resident Representative of Egypt to the IMF. I further understand this is the Department’s standard practice when a foreign government requests confirmation of a diplomat’s immunity, and the Department did not submit any views in the U.S. civil suit.

Question. Do the authorizations for use of military force passed by Congress in 2001 and 2002 authorize the use of military force against Iran?

Answer. If confirmed, I will take this responsibility very seriously and will advise the Secretary of all applicable obligations under domestic and international law. I understand the administration has not, to date, interpreted the 2001 AUMF as authorizing military force against Iran, except as may be necessary to defend U.S. or partner forces as they pursue missions authorized under the 2001 AUMF. I also understand the administration also has not, to date, interpreted the 2002 AUMF as authorizing military force against Iran, except as may be necessary and appropriate to promote stability in Iraq and address terrorist threats emanating from Iraq, and in light of the fact that U.S. forces deployed pursuant to the authorization have come under attack from Iranian-sponsored militias in Iraq.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO HON. C.J. MAHONEY BY SENATOR TIM KAINE

Question. In November 2019, Secretary of State Pompeo announced that the United States would “no longer recognize Israeli settlements as per se inconsistent with international law” and rescinded a 1978 legal opinion that then-Legal Adviser Herbert Hansell provided to Congress reaching a contrary conclusion. Per our exchange during your hearing, will you commit to providing this report in unclassified form to SFRC within a month of your confirmation so that it may be provided to the public?

Answer. As a general matter, I understand Secretary Pompeo was stating the position of the U.S. Government that the establishment of Israeli civilian settlements in the West Bank is not per se consistent or inconsistent with international law, and that legal conclusions relating to individual cases of settlement activity must depend on an assessment of specific facts and circumstances surrounding the activity in question. I also understand the U.S. Government is expressing no view on the particular legal status of any individual settlements. As I indicated during the hearing, I have not seen the memorandum to which you refer but, if confirmed, I look forward to assessing it and working with you and the committee on this issue.

Question. In Section 1261 of last year’s NDAA, Congress directed President Trump to provide Congress with a report on the “legal and policy frameworks” underlying decisions regarding the use of force by March 1, 2020, and to release the unclassified version of that report to the public. It has failed to do so, without explanation. What is the administration’s legal basis for withholding this report? Will you commit to pushing for full compliance with this reporting requirement?

Answer. I would refer any questions about the status of this particular report to the White House. However, if confirmed, it will be my responsibility as the Legal Adviser to advise the Department on compliance with all applicable congressional reporting requirements.

Question. The administration has acknowledged the existence of an Office of Legal Counsel opinion outlining the legal basis for the January 2, 2020, strike that killed Qassem Soleimani, but has thus far declined to release it publicly, as it and prior administrations have routinely done with other legal opinions regarding the use of force. Will you commit to publicly releasing this opinion?

Answer. I have to refer any questions concerning Office of Legal Counsel opinions to the Department of Justice. However, I am committed, if confirmed, to continuing the Department of State’s efforts to keep Congress informed on such important issues as required by law.

Question. In its May 2018 legal opinion outlining the justification for the April 2018 airstrikes on Syria, the Office of Legal Counsel noted that, “in evaluating the expected scope of hostilities, we also considered the risk that an initial strike could escalate into a broader conflict . . . and the measures that the United States intended to take to minimize that risk.” Do you believe the decision to move forward with the Soleimani strike, in part under the President’s Article II authority, was consistent with the views expressed in the OLC memorandum for the Syria airstrikes that there would not be a significant risk of escalation to require Congressional authorization?

Answer. I was not involved in the decision to undertake the military operation targeting General Soleimani on January 2, and I am not aware of the sensitive intelligence or other information upon which the legal and policy analysis at the time

was based. However, I understand the domestic and international law bases for the strike were outlined for Congress in a report consistent with the War Powers Resolution on January 4, 2020, in a letter submitted to the U.N. Security Council consistent with Article 51 of the U.N. Charter on January 8, 2020, and in a report consistent with Section 1264 of the FY 2018 National Defense Authorization Act dated January 31, 2020.

Question. Open Skies Treaty: In Section 1234 of the most recent NDAA, this Congress directed the administration to provide it with 120 days' advance notice before initiating any withdrawal from the Open Skies Treaty. Secretary of State Pompeo disregarded this provision when he announced the Trump administration's intent to withdraw on May 21, 2020. What was the legal basis for disregarding this Congress's express direction? Do you view this withdrawal as legally effective, given that the Trump administration has failed to comply with the prerequisites that Congress has set forth in statute?

Answer. I understand Secretary Pompeo and Secretary Esper sent a joint letter to Congress on May 22, 2020, explaining that, based on consultations with the Justice Department, and consistent with the President's signing statement on section 1234(a), Congress may not impose a delay such as section 1234(a) would require before the President exercises his constitutional authorities to withdraw from a treaty in accordance with its terms, as he did here. I share the administration's view that U.S. notice of intent to withdraw from the Treaty on Open Skies is legally effective.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO HON. C.J. MAHONEY BY SENATOR JEFF MERKLEY

Question. The United Nations High Commissioner for Human Rights, the U.S. Holocaust Museum, and a number of reputable nongovernmental organizations have found that crimes against the Rohingya ethnic minority amount to genocide. If confirmed, will you advocate that the State Department make a formal determination on Burma's genocide of the Rohingya?

Answer. I am appalled by the Burmese military's human rights abuses against Rohingya and members of other ethnic and religious minority groups. I understand the process for deciding whether and when to make a determination that certain acts amount to genocide has historically been reserved within the Executive Branch to the Secretary of State. If confirmed, I will consult with experts within the Department and others as appropriate, assess all available information, and provide the Secretary with my best advice to continue to advance justice and accountability for atrocities and other abuses committed across Burma, including those against Rohingya.

Question. The 2002 Authorization for Use of Military Force (AUMF) authorized U.S. military force to defend against Saddam Hussein's regime and enforce United Nations Security Council resolutions pertaining to Iraq. Would the fact that Saddam Hussein is no longer a threat to the United States and that Iraq has a new government render the 2002 AUMF invalid as a justification for military action?

Answer. No. Under the 2002 AUMF, "the President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate to . defend the national security of the United States against the continuing threat posed by Iraq." Although the threat posed by Saddam Hussein's regime was the initial focus of the statute, I understand the United States has long relied upon the 2002 AUMF to authorize the use of force for the purpose of establishing a stable, democratic Iraq and addressing terrorist threats emanating from Iraq. I also understand this administration has previously explained that such uses of force need not address threats from the Iraqi government apparatus only but may address threats to the United States posed by militias, terrorist groups, or other armed groups in Iraq.

Question. The Trump administration has signed Safe Third Country Agreements, also known as Asylum Cooperative Agreements, with Guatemala, Honduras, and El Salvador mandating the return of asylum seekers to these countries to await decisions on their asylum cases. Given that the State Department's own Country Reports on Human Rights Practices for Guatemala, Honduras, and El Salvador reference dangers of rape, forced disappearances, femicide, unlawful killings and torture by gang members and security forces, a lack of judicial independence, and collusion among police and/or judicial elements with organized crime, do you support

the administration's determination that these countries are capable of guaranteeing asylum seekers adequate protection and access to full and fair procedures to process asylum requests as required by Section 1158 of the Immigration and Nationality Act (8 U.S. Code § 1158)?

Answer. The INA's "Safe Third Country" exception requires a bilateral or multilateral agreement with the recipient country and a determination by the Attorney General and Secretary of Homeland Security that persons transferred pursuant to the agreement will not be persecuted on protected grounds in the receiving country; and will have access in the receiving country to a full and fair procedure for determining their protection claims. I understand the State Department does not participate in making either determination. However, I understand the Department of Justice (DOJ) and Department of Homeland Security (DHS) use State Department human rights reports in determining whether a person would more likely than not be subject to persecution or torture in the receiving country. If confirmed, I will work with DOJ and DHS to ensure they have any information they request to make these determinations.

Question. If so, what evidence do you have to suggest that such a determination complies with that statute?

Answer. The Attorney General and Secretary of Homeland Security make the determination whether a bilateral agreement complies with the "Safe Third Country" exception to the Immigration and Nationality Act, and I understand the Attorney General and Acting Secretary of Homeland Security have made this determination with respect to the Guatemala and Honduras asylum cooperative agreements. I also understand the State Department does not participate in making these domestic law determinations.

Question. Do you believe that these agreements satisfy obligations under international law regarding returning individuals to countries in which they risk being unlawfully killed or tortured? If so, on what legal basis?

Answer. I believe the United States should comply with its international law obligations with respect to asylum seekers. I have not been involved in the negotiation or implementation of these agreements. As noted, if confirmed, I will work to ensure that the Office of the Legal Adviser is involved in interagency conversations about their implementation. I will also consult with experts in the Department and others in the interagency on these matters and advise the Secretary as appropriate.

Question. Secretary Pompeo's Commission on Unalienable Rights, which has the stated mission of advising the Secretary of State on the role of human rights in American foreign policy, released its first draft report findings last week. The Commission's draft report takes a broadly negative view on binding human rights treaties, noting that, "The question of whether to consent to binding international legal obligations is separate from the question of whether in general a moral imperative or political principle is within the scope of the law of human rights. Not every moral imperative and political priority need be translated into juridical form to demonstrate U.S. seriousness of purpose regarding human rights." Do you agree with the Commission's implication that human rights treaties should not be considered binding on the United States?

Answer. I believe that the United States should be a leader in advancing the principles set forth in the Universal Declaration of Human Rights and will support the work of the Office of the Legal Adviser in advancing the Department's human rights agenda.

The United States is a party to a number of important human rights treaties, including the International Covenant on Civil and Political Rights, the Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, and two Protocols to the Convention on the Rights of the Child. The United States has a legal obligation to comply with these treaties, subject to the reservations, declarations, and understandings pursuant to which the United States ratified them. This is consistent with the Commission's draft report, which commends the U.S. approach of "accept[ing] formally those principles to which it is prepared to adhere in practice and to be held accountable for by other nations in international law." If confirmed, I would consider it an important part of my role to advise the Department regarding compliance with these and other treaty obligations.

Question. Do you believe that Israel's proposed annexation of territory in the West Bank is consistent with international law?

Answer. I understand that since 1946, there have been nearly 700 U.N. General Assembly resolutions and more than 100 U.N. Security Council resolutions related

to the Israeli-Palestinian conflict, and that these resolutions have not brought a comprehensive and lasting peace. I understand the administration is urging states not to simply cite historical legal and policy positions but instead to consider President Trump's Vision for Peace thoughtfully and to engage on the concepts proposed in the Vision, which is the best and most realistic framework to inform negotiations between Israel and the Palestinians. If confirmed, I look forward to helping the Office of the Legal Adviser to support the administration's work on Israeli-Palestinian issues.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO HON. C.J. MAHONEY BY SENATOR CORY A. BOOKER

Question. In June, President Trump suspended U.S. payment of dues to the World Health Organization (WHO). On July 6, 2020, the Secretary of State provided formal notice to the U.N. of its decision to withdraw from the WHO Constitution, the treaty that established WHO, effective after one year.

Congress enacted a joint resolution signed by President Truman in 1948, to accept membership in WHO. The Joint Resolution stated: "the United States reserves its right to withdraw from the organization on a one-year notice; provided, however, that the financial obligations of the United States to the organization shall be met in full for the organization's current fiscal year."

- Do you agree that Congress has clearly stated that the United States' financial obligations to The WHO must be paid fully through 2020 and 2021 until the one-year waiting period for withdrawal expires?

Answer. I am aware of the 1948 joint resolution. And I understand that the Secretary is committed to implementing the administration's policy for WHO withdrawal and funding in a manner that is consistent with applicable law and to working with Congress in this matter. I share that commitment. If confirmed as Legal Adviser, I will solicit detailed input from the career staff in the office before offering advice on this issue to the Secretary.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO HON. CARLOS TRUJILLO BY SENATOR JAMES E. RISCH

Question. Mexico is one of our most important trading partners. However, many in the U.S. business community are raising concerns over what they consider to be a declining business environment in Mexico and that Mexico may not be honoring fully its obligations under the U.S.-Mexico-Canada Agreement (USMCA). By way of example, some point out that Mexico may be discriminating against U.S. digital media companies through the strict interpretation by the Federal Institute of Telecommunications (IFT) of the so-called "six-minute rule" for U.S. Pay-TV providers, possibly in violation of USMCA. Others have raised concerns over what they claim is Mexico's apparent willingness to terminate significant contracts with private, foreign companies for what appear to be political reasons. They point to Mexico City's recent termination of a multi-billion dollar concession to a subsidiary of a private American company, Libre LLC, for the provision of taxi hailing services, arguing that such a cancellation may violate USMCA and thereby raising questions regarding Mexico's status as a reliable supply chain partner. Do you share these concerns?

Answer. The USMCA contains strong protections for U.S. producer and investor interests. Protecting and advancing the interests of U.S. producers and investors is a top administration priority. If confirmed, I will utilize all the tools provided in the USMCA, as well the full offices of the State Department, U.S. law, and other U.S. Government agencies to work to ensure American businesses are protected from unfair trade practices.

Question. What actions do you intend to take, if confirmed, to ensure a fair business environment for trade and investment in Mexico for U.S. firms?

Answer. The USMCA contains strong protections for U.S. producer and investor interests. Protecting and advancing the interests of U.S. producers and investors is a top administration priority. If confirmed, I will utilize all the tools provided in the USMCA, as well the full offices of the State Department, other U.S. Government agencies, and U.S. law to protect the rights of American businesses.

Question. What actions do you intend to take to encourage Mexico to expeditiously resolve these concerns and comply with its international commitments?

Answer. The USMCA contains strong protections for U.S. producer and investor interests. Protecting and advancing the interests of U.S. producers and investors is a top administration priority. If confirmed, I will utilize all the tools provided in the USMCA, as well the full offices of the State Department, other U.S. Government agencies, and U.S. law to protect the rights of American businesses.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO HON. CARLOS TRUJILLO BY SENATOR ROBERT MENENDEZ

Question. On July 16, 2019, you requested that the Secretary General of the Organization of American States (OAS), Luis Almagro, open an investigation regarding the source of an “orchestrated misinformation campaign” that you believed had originated from “someone from the OAS Secretariat.”

- What was your basis to believe that there had been an “orchestrated misinformation campaign”?

Answer. The United States Mission in Honduras informed me that rumors were circulating among the OAS donor community that the purpose of my trip was to “water down or end” MACCIH’s mandate. When I arrived in Honduras, I was met with the same rumor which were printed in local newspapers. Also, upon my arrival I received an email from Assistant Secretary Breier that civil society and staff members from the Hill were inquiring regarding the purpose of my trip.

Question. What was your basis to believe it had originated from the OAS?

Answer. The United States Mission in Honduras informed me that rumors were circulating among the OAS donor community.

Question. In your July 16, 2019 letter, you stated that you had “evidence to suggest that the source of the information is located within the staff of the General Secretariat or among those working for MACCIH (the OAS Mission Against Corruption and Impunity in Honduras). What was that evidence?

Answer. The United States Mission in Honduras informed me that rumors were circulating among the OAS donor community, along with the information.

Question. Your letter to Secretary Almagro cited “an unprecedented degree of public and media rumormongering” as the basis for opening an investigation. Do you believe that public rumors and media stories are a sufficient basis for triggering investigations into career employees?

Answer. The letter I sent to Secretary General Almagro did not request an investigation into a career employee. Out of respect for the independence and autonomy of the OAS, I requested that the OAS conduct an independent investigation into the matter.

Given that the misinformation had created mistrust among the different parties and put in jeopardy the renewal of MACCIH, I found it important that the OAS investigate the matter to prevent it from occurring again.

Question. Are you aware of any credible evidence that the American citizen OAS employee who was the target of the OAS OIG investigation that resulted from your letter was in fact responsible for the “orchestrated misinformation campaign”? If not, have you communicated that to the OAS Secretary General? If not, why not?

Answer. The OAS Inspector General is an independent entity within a sovereign international organization. Any individual identified through their investigations is entitled to confidentiality, due process, and a free, fair, independent investigation. Due to the independence of the OAS and their Inspector General, I did not request a copy of the investigation or its findings. I only became aware of the findings of the investigation during a meeting with Senate Minority staff. I did not have access due to confidentiality that governs an independent inspector general review. I have therefore not discussed the employee’s matter with Secretary General Almagro.

Question. During several conversations with the Senate Foreign Relations Committee minority staff, it was brought to your attention that multiple institutions, offices, and entities would have had knowledge of your travel to Tegucigalpa, including personnel at the U.S. Mission to the OAS, personnel in the State Department’s Bureau of Western Hemisphere Affairs, and personnel in the U.S. Embassy in Tegucigalpa. Did you ask any of these institutions, offices, or entities to conduct an investigation of the source of the “misinformation campaign”? If not, why not?

Answer. I was informed that the misinformation was circulating among the Ambassadors of the OAS donor community. The bureau of Western Hemisphere and staff at the embassy would likely not have contact with the Ambassadors of OAS donor countries located in Tegucigalpa. Also, I have no reason to believe the U.S. Government personnel would deliberately release confidential information.

Question. In early March 2020, you conducted an in-person meeting with Senate Foreign Relations Committee Minority Staff. During this meeting, you discussed the investigation that you requested that OAS Secretary General Luis Almagro carry out and you expressed an opinion that the OAS Inspector General's Office did not maintain the highest professional standards. Why did you send your July 16, 2019 letter to the OAS Secretary General requesting an investigation if you did not believe that the OAS Inspector General's Office upheld high professional standards?

Answer. This question mischaracterizes my opinion about the OAS OIG. I believe my comments at the time did not describe the OAS Inspector General as lacking professionalism but rather lacking the resources and tools necessary to conduct an investigation at the same level as is customarily done by a Federal agency Inspector General. In my dealings with the OAS Inspector General they have always exhibited professionalism despite their limited staff and budget. The OAS OIG is the independent oversight office for the organization.

Question. As you know, your letter resulted in an investigation by the OAS Inspector General's Office (OIG), which recommended the summary dismissal of a U.S. citizen who had served for 27 years as an employee of the OAS General Secretariat. Yet final action is currently pending with the General Secretariat, and the employee has appealed. Please describe in detail all conversations and written correspondence you have had with OAS Secretary General Almagro and others in the OAS General Secretariat regarding the aforementioned case, both before and after your July 16, 2019 letter.

Answer. The only written correspondence which I have had regarding the aforementioned was the July 16 letter. In response to that letter, I was interviewed by the OAS Inspector General a few days later. That is the only communication that I have had with the OAS regarding the aforementioned case. I was informed a few months ago that members of the Minority Staff had requested to meet with the Secretariat regarding the matter.

Question. In your early March 2020 in-person meeting with Senate Foreign Relations Committee Minority Staff, you committed to review the OAS OIG report and relevant documents, and meet with the American citizen OAS employee who was the subject of the report. However, I understand that to date, you have not done so. Have you reviewed any of the documents from the OAS OIG report and the file on this matter, including emails, correspondence, reports, statements, and supporting letters? If so, please specify the relevant documents that you reviewed.

Answer. I was unable to review the matter after being informed by the State Department that any inquiry into the conduct of the OAS Inspector General should be conducted through official channels only, namely, the U.S. Mission to the OAS.

Question. During your tenure as U.S. Permanent Representative to the OAS, how many times have you met with the American citizen OAS employee that was the subject of the OAS OIG report? Please provide the dates and subject matter of all meetings.

Answer. I recall formally meeting the employee once at the State Department in Mid to late 2018. The employee briefed my team and myself on the work which his Secretariat was conducting. I also recall casually speaking with the employee during the Embassy of Guyana's Christmas party in 2018 and exchanging pleasantries at the OAS at different meetings.

Question. Your July 2019 trip to Honduras occurred at the same time as travel to Honduras by a senior official from the Secretary General's office. Did you have any conversation with this OAS official about what you perceived to be an "orchestrated misinformation campaign" taking place during your trip?

Answer. I recall at some point during the trip meeting with him and discussing the situation which we were both confronted with when we arrived in Honduras.

Question. Either during your July 2019 trip to Honduras or upon return to the United States, did you have any communications, including in-person discussions, phone calls, emails, text messages, or other forms of communication (whether initiated by you or by anyone else) with any officials or employees of the OAS about the investigation that you intended to request?

Answer. Besides the communication described above, I cannot recall with certainty any such communication described in your question.

Question. Did you have any communications, including in-person discussions, phone calls, emails, text messages, or other forms of communication (whether initiated by you or by anyone else) with any officials or employees of the OAS after your July 16, 2019 letter about the investigation that you requested?

Answer. Besides what is mentioned above, no.

Question. In your answers to pre-hearing Questions for the Record, you responded, “I was informed by the State Department that any inquiry into the conduct of the OAS Inspector General should be conducted through official channels only, being the U.S. Mission to the OAS.”

- Please describe in detail what you are referring to when you refer to “official channels, being the U.S. Mission to the OAS.”

Answer. It was my understanding that the request from Congress would be treated as an official Legislative Request and handled accordingly, which in this case meant Legislative Affairs working with the relevant Bureaus to contact the Deputy Chief of Mission in our Mission to the OAS to make a formal request to the OAS for a confidential OAS internal report.

Question. As the head of the U.S. Mission to the OAS, do you not consider yourself an official channel of communication with the OAS?

Answer. I do consider myself an official channel, but I am not the only official channel. It is my understanding that officials at the State Department have reviewed the OAS OIG report in question and have determined that no further action was necessary.

Question. What is your understanding of the process that took place to request the documents from the OAS IG? Please describe which offices participated in the process.

Answer. My understanding is that the documents regarding this matter were requested and reviewed and that no further action was necessary. I am not personally aware of which offices were involved in the process.

Question. In your answers to pre-hearing Questions for the Record, you responded, “I have no reason to believe the U.S. Government personnel would deliberately release confidential information.” Please describe in detail what confidential information you are referring to. (Note: If you need to respond via classified channels, the Senate Foreign Relations Committee has the appropriate systems in place to receive classified responses from the Department of State.)

Answer. All information in preparation for my trip to Honduras was marked Sensitive but Unclassified. This information is treated confidentially to protect the safety of the trip participants. There are no classified records related to this trip.

Question. During your July 17, 2020 courtesy call with Senate Foreign Relations Committee Minority Staff, you stated that you had never recused yourself from matters related to the investigation that you requested or the OAS IG investigation and results. Can you please confirm that you never recused yourself from these matters?

Answer. It was my understanding that the request from Congress would be treated as an official Legislative Request and handled accordingly, which in this case meant Legislative Affairs working with the relevant Bureaus to contact the Deputy Chief of Mission in our Mission to the OAS to make a formal request to the OAS for a confidential OAS internal report. As this process was followed, I have not been involved in its review. I have not been asked to formally recuse myself from this matter.

Question. Given that during your July 17, 2020 courtesy call with Senate Foreign Relations Committee Minority Staff, you stated that you had never recused yourself from matters related to this incident, can you please explain why you never read the files received from the OAS IG regarding the investigation you requested?

Answer. It was my understanding that the request from Congress would be treated as an official Legislative Request and handled accordingly, which in this case meant Legislative Affairs working with the relevant Bureaus to contact the Deputy Chief of Mission in our Mission to the OAS to make a formal request to the OAS for a confidential OAS internal report. As this process was followed, I was not responsible for reviewing or responding to the legislative request, and I did not find it appropriate to review OAS investigation reports.

Question. Given that during your July 17, 2020 courtesy call with Senate Foreign Relations Committee Minority Staff, you stated that you had never recused yourself from matters related from this incident, can you please explain why you were not available to discuss this matter with Senate Foreign Relations Committee Minority Staff, despite repeated requests from my office to discuss this matter in April, May, and June of this year?

Answer. I am unaware of any request soliciting that I personally discuss the matter with Senate Minority Staff in April, May, or June of 2020.

Question. During your July 17, 2020 courtesy call with Senate Foreign Relations Committee Minority Staff, you acknowledged that, as the head of the U.S. Mission to the OAS, you have the authority to conduct advocacy on behalf of U.S. citizen employees of the OAS. Can you please explain why you conducted no advocacy on behalf of the individual who was targeted by the investigation that you requested?

Answer. The OAS Inspector General is an independent entity within a sovereign international organization. Any individual identified through their investigations is entitled to confidentiality, due process, and a free, fair, independent investigation. Due to the independence of the OAS and their Inspector General. It is my understanding that the case is still being reviewed through the appropriate OAS channels. Any U.S. Government advocacy at this point could be interpreted as improper interference in an independent OAS Inspector General investigation and its subsequent reviews. I was also advised that the documents related to this case had been received, reviewed and that no further action was necessary.

Question. During your July 17, 2020 courtesy call with the Senate Foreign Relations Committee Minority, you stated that the State Department had requested the files from the OAS IG regarding the investigation that you requested, reviewed the files, and determined that no further action was required.

- Can you please describe who reviewed the files?

Answer. I am unaware who reviewed the file.

Question. Can you please describe who reached the determination that no further action was required regarding this incident?

Answer. I am unaware of who reached that determination.

Question. Since your prior answer on July 14, 2020 to pre-hearing Questions for the Record that you had not read either of the State Department Inspector General reports regarding political retaliation, have you now read the two reports released August 2019 and November 2019?

Answer. I have read and reviewed the August 2019 report regarding the Bureau of International Organizations, as referenced in your previous questions.

Question. What is your assessment of the matters described in those two reports?

Answer. No individual should be treated differently because of their perceived political affiliations or views. Every person is entitled to equal protection and a work environment that is free from harassment and hostility.

Question. Based on the findings in those reports, what steps will you take, if confirmed, as Assistant Secretary for Western Hemisphere Affairs to promptly address and respond to, and prevent the occurrence of, any similar instances of retaliation or improper personnel practices?

Answer. As previously documented in the State Department's USOAS Inspector General Report, I will continue to foster an environment in which all employees are valued and respected. I will also work to foster an environment in which all individuals are respected and treated fairly, dissenting opinions are valued and considered.

Question. A former State Department Employee, Mari Stull, was hired by the Inter-American Institute for Cooperation on Agriculture (IICA). Prior to joining IICA, Ms. Stull had been the subject of a State Department Inspector General investigation regarding alleged political retaliation against career employees, and declined to be interviewed for that investigation. Did you play any role in recommending Ms. Stull for her position at the IICA or assist in her obtaining employment at the IICA?

Answer. IICA is an independent regional International Organization whose oversight and funding are overseen by the State Department's Bureau of International Organizations. Although it is a member of the Inter-American system, its leadership and Director are separate and independent from the OAS and the U.S. Mission to the OAS. The U.S. Mission to the OAS does not have any oversight over IICA or its funding. I did not communicate with IICA on behalf of Ms. Stull's candidacy for employment.

I recall that at some point in 2018, Ms. Stull informed me that she was seeking to leave the U.S. Government and would consider employment at IICA. Ms. Stull indicated that she had previously worked at IICA and had a degree in agriculture. At a subsequent OAS social function in 2018, Ms. Stull shared her interest in working with IICA with a member of the Secretary General Almagro's staff. After this conversation, the individual asked me if I had worked with Ms. Stull. I informed him that we had worked together at the State Department for a few months. This staff member does not work for IICA or report to IICA. The OAS staff member subsequently told me that Ms. Stull was trying to meet with him, but he was too busy and was unable to meet. A few months later I was informed that Ms. Stull was offered a position at IICA and was leaving the U.S. Government. Ms. Stull left the U.S. Government in January of 2019. I believe the above referred OIG report was published in August of 2019.

Question. Did you have any communications, including in-person discussions, phone calls, emails, text messages, or other forms of communication (whether initiated by you or by anyone else) related to Ms. Stull's candidacy for employment at the Inter-American Institute for Cooperation on Agriculture? If yes, please detail the date of such communication, with who you communicated, and the nature of your communication?

Answer. I did not have any communication with IICA on behalf of Ms. Stull's candidacy for employment. My limited communication is described above.

Question. Are you aware of any State Department official that had any communications, including in-person discussions, phone calls, emails, text messages, or other forms of communication related to Ms. Stull's candidacy for employment at the Inter-American Institute for Cooperation on Agriculture? If yes, please detail the date of such communication, the individuals involved in the communication, and the nature of the communication.

Answer. I did not communicate with IICA regarding Ms. Stull's candidacy for employment and do not have personal knowledge of other State Department officials communicating with IICA regarding Ms. Stull's employment. Any inquiries regarding other State Department officials would need to be directed to the State Department.

Question. Did you order or direct or otherwise cause any member of the U.S. Mission to the Organization of American States (USOAS) (i.e., State Department officials and employees, including political appointees) to participate in, or are you aware of whether any member of USOAS participated in, any communications, including in-person discussions, phone calls, emails, text messages, or other forms of communication (whether initiated by a member of USOAS or by anyone else) related to Ms. Stull's candidacy for employment at the IICA? If yes, please detail the date of such communication, who participated in such a communication, and the nature of the communication.

Answer. Besides what is mentioned above, I am unaware of any additional communication.

Question. Please describe how you know Ms. Stull, including the date of your first communication, the frequency of your contact since that first communication, the date of the last communication that you had with her, and a description of all relevant initiatives and/or projects that you have worked on together.

Answer. I met Ms. Stull after joining the State Department around June of 2018. At the time Ms. Stull worked as a Senior Adviser at the Bureau of International Organizations (IO). The IO Bureau often reviews OAS issue papers. I have not personally worked on any projects with her since she joined IICA. On June 17th 2020, Ms. Stull emailed and informed me that IICA was delivering remarks at the OAS.

Question. Please describe how long you have known Ms. Stull, the date of the last communication that you had with her, and a description of all relevant initiatives and/or projects that you have worked on together a both while she was employed by the State Department and in her current capacity at IICA.

Answer. See above.

Question. Please detail all contact that you and any member of USOAS have had with Ms. Stull since she assumed her current position at the IICA.

Answer. See above. I recall meeting with IICA Director Otero on three occasions in which Ms. Stull was present: at the State Department, for lunch and at the OAS. I do not have knowledge of which members from my Mission have had contact with

Ms. Stull, nor am I aware of whether other members of USOAS have met with her. IICA has sent multiple emails, either through Ms. Stull or others, to my Mission.

Question. Please indicate whether you have read the August 2019 report of the Department of State Inspector General entitled “Review of Allegations of Politicized and Other Improper Personnel Practices in the Bureau of International Organization Affairs”.

Answer. I have read the August 2019 report regarding the Bureau of International Organizations.

Question. I found the abusive personnel practices detailed in the above-mentioned State Department Inspector General report, including those committed by Mari Stull, to be repugnant and cancerous for the Department and career employees across the U.S. Government. Do you agree?

Answer. I agree that the behavior detailed in the OIG report is contrary to the State Department’s stated leadership principles and expectations.

Question. Please indicate whether you believe it is appropriate to discipline, isolate, transfer, demote, refuse to promote, or take any other adverse action against a career government official or employee because of the political beliefs of that employee.

Answer. I do not believe it is appropriate to treat anyone differently because of their political beliefs.

Question. Please indicate whether, if confirmed, you will foster an environment in the Bureau of Western Hemisphere Affairs in which career officers are expected and able to provide you with their best professional judgment and advice without fear of reprisal, even in situations in which their professional judgment or advice may not be consistent with the political interests or policies of the Trump administration. If yes, please describe the specific steps you will take to foster such an environment.

Answer. As previously documented in the State Department’s USOAS Inspector General Report, I will continue to foster an environment in which all employees are valued and respected.

Question. In June 2018, White House advisor Peter Navarro, referring to Prime Minister Justin Trudeau of Canada said, “there is a special place in hell for any foreign leader that engages in bad faith diplomacy with President Donald J. Trump.” Do you agree with Mr. Navarro’s insulting insinuation that there is a special place in hell for Prime Minister Trudeau? Do you believe this is how U.S. officials should talk about our allies?

Answer. I support constructive engagement with our allies, including Canada. The United States-Canada relationship is one of enduring strength built on broad and deep ties between our peoples, shared values, extensive trade, strategic global cooperation, and a robust defense partnership. I believe working closely with our allies and partners to support U.S. policy objectives is essential. If confirmed, I hope to continue to strengthen our relationship with Canada.

Question. From May 2018 to May 2019, the Trump administration imposed Section 232 tariffs on Canadian steel and aluminum, invoking threats to U.S. national security. Do you believe Canadian steel and aluminum represent threats to U.S. national security, especially given longstanding linkages between our defense sectors?

Answer. With \$725 billion in annual bilateral trade in goods and services, the United States and Canada share the largest trade relationship in the world. With USMCA in force, we work closely with our Canadian and Mexican partners to ensure that North American supply chains remain robust. Our North American partnership is vital for a quick economic recovery. Protecting American workers has always been a priority of this administration.

I refer you to the Department of Commerce and USTR for specifics on the status of 232 aluminum tariffs on Canada.

Question. Press reports indicate that the Trump administration is considering imposing a new round of tariffs on Canada, just weeks after the formal start of the USMCA. Do you believe that the U.S. should impose tariffs on aluminum from Canada, a key U.S. national security and economic partner?

Answer. With \$725 billion in annual bilateral trade in goods and services, the United States and Canada share the largest trade relationship in the world. With USMCA in force, we work closely with our Canadian and Mexican partners to ensure that North American supply chains remain robust. Our North American partnership is vital for a quick economic recovery. Protecting American workers has always been a priority of this administration.

I refer you to the Department of Commerce and USTR for specifics on the status of 232 aluminum tariffs on Canada.

Question. If the Trump administration imposes new tariffs on Canadian aluminum, it is likely that Canada's government would retaliate. What is your assessment of the impact to the U.S. economy of a trade war with Canada?

Answer. The United States and Canada enjoy one of the most extensive and integrated economic relationships in the world. The almost 400,000 people and nearly \$2 billion worth of goods and services that cross our border daily are testament to the strength of our trade relationship, which has allowed us to resolve challenges and differences in the past and will in the future.

The United States-Mexico-Canada Agreement (USMCA) entered into force on July 1, 2020. The USMCA will ensure that North America remains the world's economic powerhouse and will create high-paying jobs for Americans, Canadians, and Mexicans, and grow the North American economy.

Question. Since the CDC's March 20 order, the U.S.-Canada border has been largely closed despite the historical integration of cross-border communities. If confirmed, what strategy will you pursue to re-open the U.S.-Canada border? Will this strategy be informed by guidance from scientists and medical professionals?

Answer. The United States and Canada continue close cooperation in responding to the global pandemic of COVID-19. This involves engagement at the highest levels by President Trump, Secretary Pompeo, and Deputy Secretary Biegun, as well as across the interagency, by health officials, at our diplomatic missions abroad, and along our border.

If confirmed, I will work with all relevant agencies and counterparts, including public health officials and the Department of Homeland Security, to facilitate the safe re-opening of the U.S.-Canada border at the appropriate time.

Question. In December 2018, acting on a U.S. extradition request, Canadian authorities detained Huawei CFO Meng Wenzhou. Since then, Canada has faced a barrage of retaliation from China, including tariffs on Canadian products and arresting two Canadian citizens, Michael Kovrig and Michael Spavor. President Trump previously referred to Ms. Meng as something that could be traded with China as part of ongoing negotiations. Do you believe that U.S. extradition requests should be the subject of negotiation requests between the U.S. and China?

Answer. Like all cases brought by the U.S. Department of Justice, the criminal prosecution against Huawei CFO Meng Wanzhou is based solely on the facts and law.

Question. Given ongoing legal arguments in Canada, which have featured President Trump's comments, do you believe that the President's comments have strengthened the U.S. legal case for Ms. Meng's extradition to the United States??

Answer. Per the filings unsealed in Canada, Meng and others allegedly broke the law. Specifically, they are accused of putting financial institutions at risk of criminal and civil liability in the United States by deceiving them about the nature and extent of Huawei's business in Iran. Meng and others allegedly falsely stated that Skycom was an unaffiliated business partner, rather than disclosing that it was Huawei's Iranian affiliate.

Like all cases brought by the U.S. Department of Justice, the criminal prosecution against Huawei CFO Meng Wanzhou is based solely on the facts and law.

Question. What specific steps would you suggest that the U.S. can take to support our ally Canada in dealing with the People's Republic of China and helping to secure the release of Michael and Michael?

Answer. The United States should continue to publicly call on China to end the arbitrary and unacceptable detentions of Canadian citizens Michael Spavor and Michael Kovrig and reject China's use of coercion as a political tool. Recognizing the PRC's strategy of using arbitrary detentions as political leverage is not a one-country problem, I support working with our allies and partners, including Canada, to explore multilateral tools that can impose real costs and pressure on the Chinese government for its use of arbitrary detentions.

Question. In June 2018, White House advisor Peter Navarro, referring to Prime Minister Justin Trudeau of Canada said, "there is a special place in hell for any foreign leader that engages in bad faith diplomacy with President Donald J. Trump." Do you agree with Mr. Navarro's insulting insinuation that there is a special place in hell for Prime Minister Trudeau? Do you believe this is how U.S. officials should talk about our allies?

Answer. I support constructive engagement with our allies, including Canada. The United States-Canada relationship is one of enduring strength built on broad and deep ties between our peoples, shared values, extensive trade, strategic global cooperation, and a robust defense partnership. I believe working closely with our allies and partners to support U.S. policy objectives is essential. If confirmed, I hope to continue to strengthen our relationship with Canada.

Question. During your tenure as the U.S. Permanent Representative to the OAS, what specific steps have you taken to fulfill President Trump's promise that the Government of Mexico would pay for the border wall between the United States and Mexico?

Answer. As the United States Ambassador to the OAS, I have worked with Mexico on a variety of political, security, human rights and development issues, as well as on reform of the OAS itself. Issues concerning the border wall have been handled by other offices in the State Department, DHS, and other agencies and offices in the administration.

Question. If confirmed as Assistant Secretary for Western Hemisphere Affairs, will you formulate a diplomatic strategy to ensure that the Government of Mexico would pay for the border wall between the United States and Mexico, as President Trump has promised?

Answer. If confirmed, I intend to maintain an ongoing dialogue with Mexico to ensure close coordination with respect to our joint efforts to secure and modernize the border. Border infrastructure is one part of a comprehensive approach to improve security at our southern border. Mexico, like the United States, has devoted major resources to combat irregular migration and the trafficking of contraband and drugs that affect both countries.

Question. If confirmed as Assistant Secretary for Western Hemisphere Affairs, what steps will you take ensure that the Government of Mexico would pay for the border wall between the United States and Mexico, as President Trump has promised?

Answer. If confirmed, I will prioritize cooperation with Mexico to manage and protect our nearly 2,000-mile border and to combat shared threats posed by transnational criminal organizations. In close coordination with other departments and agencies, I will commit to coordinating, developing, and expanding efforts to secure and modernize the border. I will also work with Mexico to advance our shared economic interest of improving efficiencies at ports of entry to ensure the flow of legitimate commerce and travelers.

Question. Since January 2017, President Trump has built new sections of border wall on the U.S.-Mexico border. What has been the impact of these border wall sections on specific transnational criminal organizations in Mexico and specific drug trafficking routes from Mexico into the United States. (Note: Please identify specific Mexican TCOs in your response.)

Answer. According to the Drug Enforcement Administration's 2019 National Drug Threat Assessment, Mexican TCOs transport the majority of illicit drugs into the United States across the Southwest border using a wide array of smuggling techniques. I am not in a position to say which TCO activities may have been affected by the presence or absence of particular sections of border security and would refer you to the Department of Justice and DHS. I would note that these Mexican drug trafficking organizations operate like businesses—they are highly mobile, maintain sophisticated cross-border networks, and are involved in a wide range of organized criminal activities—so we work with Mexico to support efforts to attack each part of their business model. We work with Mexico to disrupt drug production, secure borders, deny illicit revenue, and reduce the impunity and corruption that enables the transnational crime that threatens our health, safety, and security.

Question. What is your assessment of the number of subterranean tunnels used by Mexican TCOs have been used to trafficking illicit narcotics into the United States that have been found under the U.S.-Mexico border since 2017?

Answer. Mexican TCOs are highly networked and nimble and will use any means necessary to continue illicit operations that cross the border into the United States. According to the Drug Enforcement Administration's 2019 National Drug Threat Assessment, tunnels destroyed by U.S. law enforcement authorities along the southwest border are primarily found in California and Arizona, and are primarily associated with the Sinaloa Cartel. I would refer you to the Departments of Justice and Homeland Security for more specific data.

Question. What is your assessment as to whether the new sections of border wall built by President Trump prevented Mexican TCOs from building subterranean tunnels Mexico into the U.S. for trafficking illicit drugs?

Answer. According to the Drug Enforcement Administration's 2019 National Drug Threat Assessment, tunnels destroyed by U.S. law enforcement authorities along the southwest border are primarily found in California and Arizona, and are primarily associated with the Sinaloa Cartel. I would refer you to the Departments of Justice and Homeland Security on specific assessments on how the border wall has affected TCOs' building of tunnels.

Question. According to the DEA's 2019 National Drug Threat Assessment: "Mexican TCOs transport the majority of illicit drugs into the United States across the SWB using a wide array of smuggling techniques. The most common method employed involves smuggling illicit drugs through U.S. POEs in passenger vehicles with concealed compartments or commingled with legitimate goods on tractor-trailers." What is your assessment as to whether the new sections of border wall built by President Trump have prevented Mexican TCOs from using passenger vehicles or tractor-trailers to traffic illicit narcotics from Mexico into the U.S.?

Answer. Mexican drug trafficking organizations operate like businesses—they are highly mobile, maintain sophisticated cross-border networks, and are involved in a wide range of organized criminal activities—so we work with Mexico to support efforts to attack each part of their business model. We work with Mexico to disrupt drug production, secure borders, deny illicit revenue, and reduce the impunity and corruption that enables the transnational crime that threatens our health, safety, and security. I refer you to the Departments of Justice and Homeland Security for an assessment of how new border wall sections have affected TCOs' use of passenger vehicles or tractor-trailers to traffic illicit narcotics from Mexico into the United States.

Question. What is your assessment of implementation to date of the U.S.-Mexico Joint Declaration?

Answer. Mexico committed to offer work authorization and access to healthcare and education according to the principles of the June 2019 U.S.-Mexico Joint Declaration. The Declaration also noted that the United States would expand the Migrant Protection Protocols (MPP) along the border, and Mexico committed to the deployment of its National Guard forces to increase its own border enforcement and security. The Declaration also sought to emphasize economic development through investment in southern Mexico and Central America to address the drivers of irregular migration. Following the September 10, 2019, meeting with Vice President Pence, Foreign Secretary Marcelo Ebrard stated Mexico would continue to uphold the commitments included in the Joint Declaration. It is my understanding that these have been a very substantial decrease in the number of encounters at the southwest border. It is also my understanding that more remains to be done in implementing the economic development component. If confirmed, I look forward to supporting and working with interagency partners on this strategy.

Question. Do you believe the United States has upheld its commitments under the U.S.-Mexico Joint Declaration? If so, how? Please cite specific outcomes as a result of U.S. actions that have benefited Mexico.

Answer. The United States has upheld its commitments under the Joint Declaration. The United States has increased its capacity to process asylum-seekers under the Migrant Protection Protocols expeditiously. The United States is also strengthening bilateral cooperation to support private sector investment and foster development in Mexico and Central America.

Question. Do you believe Mexico has upheld its commitments under the U.S.-Mexico Joint Declaration? If so, how? Please cite specific outcomes as a result of Mexican actions that have benefited the U.S.

Answer. It is my understanding that Mexico has upheld its commitments under the Joint Declaration. Mexico has stepped up its enforcement efforts at the border. Following the June 2019 U.S.-Mexico Joint Declaration, Mexico agreed to an enforcement surge to curb illegal migration to the United States, including the deployment of more than 25,000 National Guard and other security forces throughout Mexico, including along Mexico's southern and northern borders. National Guard efforts have contributed to an approximate 84 percent drop in apprehensions of irregular migrants at the U.S. southern border since May 2019. In January 2020, the Mexican National Guard played a key role in enforcing Mexican immigration laws when a 2,000-person migrant caravan from Honduras arrived at the Mexico-Guatemala border.

Question. If confirmed, during your first 30 days as Assistant Secretary, do you commit to provide the committee with copies of all assessments, annexes, appendices, and implementation plans or reports related to the U.S.-Mexico Joint Declaration, including cables and email reports exchanged with U.S. Embassy Mexico City?

Answer. I understand your interest in Department records related to the U.S.-Mexico Joint Declaration, and that there has been an effort by the Department to address your interest and to seek a mutually agreeable accommodation relating to these requests. I also understand that, to date, the Department and the committee have been unable to reach such an accommodation. If confirmed, I commit to support the Department's ongoing efforts to engage with the committee in order to reach an accommodation.

Question. If confirmed, during your first 30 days as Assistant Secretary, do you commit to provide the committee with copies of all agreements—and their accompanying annexes, appendices, implementation plans, and related instruments—signed between the United States and Mexico since the start of 2017?

Answer. I understand your interest in agreements between the United States and Mexico. I understand that there has been an effort by the Department to address your interest and to seek a mutually agreeable accommodation relating to these requests. I also understand that, to date, the Department and the committee have been unable to reach such an accommodation. If confirmed, I commit to support the Department's ongoing efforts to engage with the committee in order to reach an accommodation.

Question. The “Remain in Mexico” policy (Migrant Protection Protocols) has forced over 60,000 asylum seekers to wait in dangerous Mexican border regions, where the State Department has advised Americans against traveling, COVID-19 is surging, and Human Rights First has documented over 1,100 cases of murder, rape, torture, kidnapping, and other violent assaults against asylum seekers and migrants. If confirmed, how will you ensure the protection and health of refugees, asylum seekers and vulnerable migrants in Mexico as a result of U.S. policies? How will you work with Mexican authorities and DHS to ensure refugees and asylum seekers are protected against these heinous crimes?

Answer. The Department works closely with its international partners and Mexican authorities to respond to challenges as they arise. Mexico has stepped up in meaningful ways, including by establishing shelters for Migrant Protection Protocols (MPP) returnees in Ciudad Juarez, Tijuana, and Matamoros, where they provide medical, food, and other services. Mexico also promised access to work authorization for all individuals returned under MPP and is working with employers and banks to facilitate access to jobs. If confirmed, I would urge Mexico to continue assisting migrants returned to Mexico.

Question. Since the United States effectively closed its land borders to asylum seekers as a result of CDC's March 20 order, the Department of Homeland Security has expelled over 43,000 asylum seekers and migrants without due process to Mexico, where shelters run by the Government, churches, and humanitarian agencies are filled, and local capacity to test for COVID-19, provide medical care, and quarantine migrants with the virus is limited. If confirmed, what specific diplomatic actions will you take and what foreign assistance will you strengthen in Mexico to improve protection of asylum seekers and vulnerable migrants, including to prevent and treat COVID-19?

Answer. At this time, I understand there to be sufficient shelter space available in most locations along Mexico's northern border. The Department has provided nearly \$1.9 million in COVID-19 response funding in Mexico to date. With these funds, our international humanitarian partners are assisting government and private shelters to respond to and mitigate the spread of COVID-19, including by establishing “filter hotels” where newly arriving and particularly vulnerable migrants can quarantine for a minimum of 15 days in order to then be placed in a traditional shelter, thereby limiting risk of exposure and spread of infection. If confirmed, I would urge Mexico to continue assisting migrants returned to Mexico.

Question. In May, the Trump administration indefinitely extended its March 20 order expelling all undocumented migrants seeking entry at U.S. land borders. Among over 43,000 individuals expelled to date, at least 2,175 were unaccompanied children, according to Customs and Border Patrol. The New York Times has reported that children are being returned to Mexico under the policy, without any notification being provided to their families and in some cases without telling them where they are being sent to. Under domestic law, the U.S. must comply with trafficking screenings and other procedures mandated by the Trafficking Victims Pro-

tection Reauthorization Act. Yet, under CDC's March 20 order, these critical protections—which are meant to prevent children from being trafficked—are seemingly being ignored. Only 39 children out of the 1,001 expelled in May were given access to these critical protections, according to a June 18 report by CBS News. Do you believe the United States bears responsibility for the protection of asylum seekers, including unaccompanied children, we have expelled to Mexico?

Answer. The Department, through the Bureau of Population, Refugees, and Migration (PRM), scaled up humanitarian support in Mexico significantly, providing nearly \$105 million since Fiscal Year 2019 to support refugees, asylum seekers, and other vulnerable migrants, including \$1.9 million for COVID response. With these funds, our partners help build Mexico's asylum capacity and support protection efforts, including with direct humanitarian assistance, legal assistance, and psychosocial support. PRM funds also support shelter capacity and provide assisted voluntary return for vulnerable migrants who wish to go home but lack the resources to do so on their own.

Question. If confirmed, what steps will you take with the Department of Homeland Security to ensure the United States does not expel children into conditions where they are at risk of human trafficking in violation of the Trafficking Victims Protection Reauthorization Act?

Answer. Traffickers prey on unaccompanied children in the United States, as they do elsewhere in the world. The Department of State works and collaborates with other U.S. federal agencies, including the Department of Homeland Security, year-round through the President's Interagency Task Force to Monitor & Combat Trafficking in Persons to advance a whole-of-government response to human trafficking. I support combating trafficking in persons throughout the Western Hemisphere, pursuant to the TVPA, and will work with my State and interagency colleagues, to protect all potential victims. For questions on specific enforcement actions, I defer to our colleagues at the Departments of Homeland Security and Justice.

Question. If confirmed, what steps will you take to protect and assist children expelled to Mexico by the United States?

Answer. If confirmed, I will work with the Department of Homeland Security and the Government of Mexico to help ensure appropriate measures are taken to protect and assist any children expelled to Mexico from the United States.

Question. At least three cases of COVID-19 have been reported to date at the camp in Matamoros where over 2000 asylum seekers are waiting to cross into the United States for their immigration court hearing as a result of the Migrant Protection Protocols. In addition to COVID-19, these asylum seekers face threats of kidnapping and other violent crimes. How would explain to asylum seekers in Matamoros why the United States cannot offer them protection from persecution and threats of violent crimes, why they should not be allowed to reunite with family members in the United States while pursuing their asylum claims, and why they do not have accurate and reliable information about their asylum proceedings in U.S. immigration court?

Answer. It is my understanding that as of late July, between 1,200-1,500 people remain in the informal Matamoros camp. International organizations, local NGOs, and local authorities continue to offer shelter to these migrants. Through the Bureau of Population, Refugees, and Migration (PRM), the Department is supporting provision of basic assistance at the camp, including access to medical resources. PRM partners also work to disseminate information about both the U.S. and Mexican asylum systems, and offer referrals for specialized support as needed.

Question. As the grandson of Cubans who escaped communist dictatorship and found refuge in the United States decades ago, do you agree with the Trump administration that Cuban refugees and asylum seekers should be forced to wait in Mexico, summarily expelled to Mexico, or potentially transferred to Guatemala to seek protection there rather than in the United States?

Answer. As a party to the 1967 Protocol relating to the Status of Refugees and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the United States must uphold its obligations with regard to all persons in need of international protection, regardless of their nationality.

Question. Do you agree that Cuban refugees and asylum seekers who seek protection at the U.S.-Mexico border should be turned away without due process?

Answer. I am not aware of Cuban refugees or asylum seekers being turned away from the U.S. southern border without the opportunity to apply for asylum or another form of protection in the United States. I understand that under the Migrant

Protection Protocols (MPP), the Department of Homeland Security may issue immigrants a notice to appear for an immigration court date in the United States and return them to Mexico to wait there for the duration of their U.S. immigration proceedings. As with any individual placed in removal proceedings under Section 240 of the INA, MPP returnees have the opportunity to claim asylum or another form of protection in front of a U.S. immigration judge. Individuals who claim fear of Mexico and who USCIS determines are more likely than not to be persecuted or tortured in Mexico are not eligible for return under MPP.

Question. Mexico's National Search Commission reported in January that more than 61,000 people have disappeared, including more than 5,000 in 2019. Most of these disappearances are committed by narco-traffickers and criminals, many working with corrupt police or politicians. The disappearance of 43 students from the Ayotzinapa Rural Teachers' College remains deeply troubling five years on. If confirmed, what specific actions will you take to help Mexico recover those forcibly disappeared, achieve justice for their families, and reverse this horrifying trend?

Answer. If confirmed, the Bureau of Western Hemisphere Affairs would continue the United States' commitment to supporting President Lopez Obrador's efforts to search for missing persons, identify the remains of the deceased, provide closure to families, and prosecute offenders. Through the Merida Initiative, the Department continues to assist Mexico's law enforcement and justice sector institutions to enhance the capabilities of Mexican authorities to investigate and prosecute such cases. U.S. foreign assistance helps build the capacity of national and state authorities to search for the missing utilizing family-inclusive approaches, conduct forensic analysis, centralize DNA data, and identify the deceased.

Question. July 2020 reports by the Washington Post indicate that Mexico added more than 11,000 people to its official count of disappeared persons, bringing the total to more than 73,000. These news figures indicate that in 2019, the first year of President Lopez Obrador's government, the number of additional disappearances was the second-most on record. What is your assessment of why the number of disappearances increased so greatly last year?

Answer. In July 2020, the National Search Commission reported, based on a review of cases within state-level prosecutorial offices, the official count of disappeared and missing persons in Mexico has risen to more than 73,000 people. Since President Lopez Obrador assumed office December 1, 2018, 7,516 cases of missing and disappeared persons have been opened nationwide.

Question. Mexico's homicide rate reached a record high of over 35,000 murders in 2019, with drug cartels and other organized criminal groups as major perpetrators of violent crime. Violent crimes range from mass killings and disappearances to targeted assassinations and shooting down a military helicopter. The brutal murder of three women and six children with dual U.S.-Mexican citizenship in a Mormon community in Sonora demonstrated the urgency of Mexico's violent crime problem for the United States. Do you believe that Mexican President Obrador is taking sufficient and appropriate action to improve public security and end impunity for violent crimes, including state involvement?

Answer. Following engagement by U.S. senior leadership, Mexico has made concerted efforts to implement its commitments to combat transnational criminal organizations (TCO). Among other priorities, the United States needs to see progress on legislation and implementation of a new judicial wire intercept program, increased control of precursor chemicals used to produce fentanyl and other drugs in Mexico, and more maritime interdictions. We also need continued action on extraditions; maintenance of a high operational tempo in targeting TCO supply chains, drug production, and financial infrastructure; and coordination on border actions. One of the Lopez Obrador administration's top stated priorities is to address corruption and impunity.

Question. If confirmed, how will you leverage U.S. diplomacy and foreign assistance to reduce violent crime in Mexico?

Answer. If confirmed, the Bureau of Western Hemisphere Affairs under my leadership will continue to work actively with the Government of Mexico to address violent crime. We will continue engagement with Mexico through the established High-Level Security Group, ensuring that whole of government approaches are implemented to ensure sustainability. We will continue to use Merida Initiative programming and other U.S. foreign assistance to expand the capacity of law enforcement and judicial officials to investigate and prosecute criminal activity, as well as address crimes affecting vulnerable populations. We stand ready to support the Mexican National Guard to help increase its capacities to combat crime.

Question. Please provide the committee with All Circular-175 (“C-175”) packages, including action memoranda to enter and conclude negotiations, memoranda of law, and relevant attachments to such memoranda for Asylum Cooperative Agreements between the United States, Guatemala, Honduras, and El Salvador.

Answer. I understand your interest in the Asylum Cooperative Agreements between the United States, Guatemala, Honduras, and El Salvador, and that there has been an effort by the Department to address your interest and to seek a mutually agreeable accommodation relating to these requests. I also understand that, to date, the Department and the committee have been unable to reach such an accommodation. If confirmed, I commit to support the Department’s ongoing efforts to engage with the committee in order to reach an accommodation.

Question. Please provide the committee with all implementation plans or arrangements related to Asylum Cooperative Agreements between the United States, Guatemala, Honduras, and El Salvador.

Answer. I understand your interest in Department records related to Asylum Cooperative Agreements between the United States, Guatemala, Honduras, and El Salvador. I understand that there has been an effort by the Department to address your interest and to seek a mutually agreeable accommodation relating to these requests. I also understand that, to date, the Department and the committee have been unable to reach such an accommodation. If confirmed, I commit to support the Department’s ongoing efforts to engage with the committee in order to reach an accommodation.

Question. Please provide the committee with any/ all determinations by the Departments of Justice and Homeland Security that Guatemala, Honduras, and El Salvador each provide “a full and fair procedure for determining a claim to asylum or equivalent temporary protection,” and that in each country an “aliens’ life or freedom would not be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion,” as required by 8 U.S.C. § 1158.

Answer. I understand your interest in these determinations made by the Departments of Justice and Homeland Security. I understand there has been an effort by the Department to address your interest and to seek a mutually agreeable accommodation relating to these requests. I also understand that, to date, the Department and the committee have been unable to reach such an accommodation. If confirmed, I commit to continue to engage with the Departments of Homeland Security and Justice, as well as the committee, in order to reach an accommodation.

Question. Please provide the committee with all assessments, reporting, or analysis by the Department and/ or Embassy officials on conditions in Guatemala, Honduras, and El Salvador related to each country’s asylum capacity and procedures, ability to protect refugees in compliance with international legal standards, respect for the principle of non-refoulement, political and judicial support for the ACA, and views of non-governmental and international organizations.

Answer. My understanding is the Department has briefed Congress, including the Senate Foreign Relations Committee, on these issues. If confirmed, I would commit to working with my Department and interagency colleagues to continue sharing information with Congress.

Question. The United States has been supporting Guatemala, Honduras, and El Salvador to build their asylum capacity through contributions to international organizations, yet moving rapidly to transfer hundreds of asylum seekers to these countries far beyond their current asylum capacity. Do you believe it is appropriate to build the plane while flying it when individuals’ lives, freedom, and persecution are at stake?

Answer. The United States has not yet begun implementation of the Asylum Cooperative Agreements (ACAs) with Honduras or El Salvador. Implementation of the U.S.-Guatemala ACA has been paused since mid-March due to the COVID-19 pandemic. The goal of both the United States and Guatemala is to implement this agreement gradually so as not to overwhelm Guatemala’s capacity to receive transferees as it strengthens its asylum system.

Question. Do you believe that the United States’ Asylum Cooperative Agreements with Guatemala, Honduras, and El Salvador comply with our obligations under U.S. and international law to protect refugees? Please explain.

Answer. The Asylum Cooperative Agreements allow the United States to transfer individuals who express an intent or interest in seeking protection in the United States to a partner country where the Attorney General and Secretary of Homeland Security have determined the agreements comply with the “Safe Third Country” ex-

ception to the Immigration and Nationality Act. I understand the State Department does not participate in making that domestic law determination.

Question. Has the Department of State or Homeland Security approached any other countries to propose negotiation of additional Asylum Cooperative Agreements? If so, which countries and at what stage are these negotiations?

Answer. The Department of State, in collaboration with DHS, is working with governments in the region to achieve the shared goal of reducing illegal immigration to the United States. It is my understanding the U.S. Government is not currently negotiating an Asylum Cooperative Agreement with any other government in the Western Hemisphere.

Question. If confirmed, would you pursue Asylum Cooperative Agreements with any other countries? If so, which countries?

Answer. If confirmed, I would continue to work with the Department of Homeland Security and interagency to achieve the shared goal of reducing illegal immigration to the United States. I understand the U.S. Government is not currently negotiating an Asylum Cooperative Agreement with any other government in the Western Hemisphere.

Question. Please provide the committee with All Circular-175 ("C-175") packages, including action memoranda to enter and conclude negotiations, memoranda of law, and relevant attachments to such memoranda for agreements on H2A and H2B visa programs between the United States, Guatemala, Honduras, and El Salvador.

Answer. I understand your interest in agreements on H2A and H2B visa programs between the United States, Honduras, and El Salvador. I understand there has been an effort by the Department to address your interest and to seek a mutually agreeable accommodation relating to these requests. I also understand that, to date, the Department and the committee have been unable to reach such an accommodation. If confirmed, I commit to support the Department's ongoing efforts to engage with the committee in order to reach an accommodation.

Question. Please provide the committee with all implementation plans or arrangements related to agreements on H2A and H2B visa programs between the United States, Guatemala, Honduras, and El Salvador.

Answer. The bilateral agreements signed between the United States and Guatemala, El Salvador, and Honduras will facilitate increased transparency, accountability, and the safety of temporary workers from these countries. The agreements promote regular, orderly, and secure temporary migration and strengthen cooperation mechanisms to prevent, report, and investigate fraud and abuse. The agreements are intended to complement existing U.S. laws and strengthen the protections for U.S. workers and potential H-2 workers by ensuring workers are less vulnerable to criminal actors. U.S. employers will also benefit from this additional transparency and accountability.

Question. President Trump withheld foreign assistance for over a year until he deemed that El Salvador, Guatemala, and Honduras had sufficiently reduced irregular migration to the United States. Since U.S. foreign assistance resumed in April, congressional notifications indicate that every program has reducing irregular migration as a major objective. How has U.S. assistance to these countries been effective in addressing the root causes of migration and displacement, such as violence and insecurity, human rights abuses, corruption, and poverty?

Answer. If confirmed, I will work with the Department, our U.S. embassies, USAID, and other partners to ensure U.S. assistance programming continues to be aligned with the Department's policy goals to address the economic, security, and governance drivers of migration. While we recognize U.S. assistance can be an effective tool to address these root causes, and some progress has been made, political will of each government is essential to make further progress in these areas. I will continue to engage diplomatically with El Salvador, Guatemala, and Honduras as well as support our assistance programs, to help create an enabling economic environment that attracts private sector investment, thereby creating more economic opportunities for individuals in those countries that may otherwise seek to illegally immigrate to the United States.

Question. If confirmed, will you pursue the President's anti-immigrant agenda as the centerpiece of U.S. foreign policy toward the region? If not, how will you ensure the President's myopic focus on immigration doesn't undermine other priorities?

Answer. Migration cooperation plays an important role in U.S. foreign policy in the Western Hemisphere. If confirmed, I would continue to support and advance the

administration's priorities in the region, which include reducing illegal immigration through a regional approach to shared responsibility and working with countries in the region to increase prosperity opportunities.

Question. In your view, what is the proper role of the Department of Homeland Security in U.S. foreign policy, and how does this role relate to that of the State Department?

Answer. The Department of Homeland Security is responsible for the protection of our nation's borders and people from transnational threats. In this regard, DHS plays an important role in curbing illegal immigration, trafficking of illicit goods and persons, as well as other various immigration related issues. The role of the State Department in these efforts is to ensure our allies and partners in the region continue to have positive and effective relations with the United States, including effective working relations between DHS and their agency counterparts in the countries in the region.

Question. If confirmed, what objectives would you prioritize for U.S. foreign assistance to Central America?

Answer. If confirmed, I will work with the Department, our U.S. embassies, USAID, and other partners to ensure U.S. assistance programming continues to be aligned with the Department's policy goals to address the economic, security, and governance drivers of irregular migration. I will prioritize U.S. assistance that helps El Salvador, Guatemala, and Honduras to build capacity of their institutions, police, and judicial systems; combat systemic corruption; establish necessary legal frameworks; and help to reduce barriers to private sector investment. In addition, I will work with interagency partners to continue U.S. assistance that can build stronger asylum systems in support of the Asylum Cooperative Agreements and U.S. national security interests.

Question. If non-governmental regional experts are correct, the economic challenges posed by the COVID-19 pandemic are likely to increase migrant flows toward the United States from Central America and Mexico. If confirmed, would you support another suspension of U.S. foreign assistance if this scenario occurs?

Answer. U.S. assistance has been effective in addressing some of the root causes of irregular migration from El Salvador, Guatemala, and Honduras; however, the challenges are enormous and, in recent months, exacerbated by the COVID-19 pandemic. I believe U.S. assistance will continue to help address the economic, security, and governance challenges facing Central America. Our cooperation with Mexico is long-standing and covers a broad range of issues including counternarcotics and migration. If confirmed, I commit to engaging diplomatically with Central America and Mexico to address any migration issues that could arise as a result of the pandemic.

Question. In your confirmation hearing, you agreed that the United States should not deport individuals who have tested positive for COVID-19, and acknowledged reports that the United States has deported dozens of COVID-19 individuals to countries in Central America, where public health infrastructure is weak. If confirmed, what specific actions will you take to ensure that the United States ceases any deportations of COVID-19 individuals to countries in the Western Hemisphere region?

Answer. If confirmed, I would continue to work with the Department of Homeland Security to seek to adjust health protocols and testing based on the unique situation in each receiving country. In addition, we will continue our substantial efforts in the receiving countries to work to ensure that adequate reception and quarantine protocols are followed.

Question. If confirmed, will you increase U.S. assistance to address the COVID-19 pandemic in Central America?

Answer. The COVID-19 pandemic has wide-ranging impacts on many countries throughout the hemisphere, including Central America. The Department and USAID have already provided \$24.05 million in COVID-19 supplemental assistance to all seven of the countries in Central America for projects ranging from providing sanitizer to schools in Costa Rica to establishing teams in the highlands of Guatemala to work with small business owners affected by the pandemic. I understand USAID has also redirected existing assistance to support the countries of El Salvador, Honduras, and Guatemala to be more responsive to COVID-19. If confirmed, I will support considering requests for assistance to Central America to address the economic, governance, and security issues driving corruption, weak institutions, and irregular migration, all of which will be impacted by the pandemic.

Question. The Trump administration publicly announced that it sent ventilators to Honduras and El Salvador but has said nothing on Guatemala. As of July 21st, Guatemala had the highest number of COVID positive individuals of the three countries with 39,039 in Guatemala; 34,611 in Honduras; and 12,582 in El Salvador. Can you explain why it was announced that Honduras and El Salvador received ventilators and not Guatemala?

Answer. It is my understanding that Honduras and El Salvador requested and received USAID facilitation in the purchase of their ventilators, and this is the reason why progress on only these two purchases was initially reported. At that point, the Government of Guatemala had chosen to pursue their own open-sourced order, for which USAID provided technical assistance and facilitation through its implementing partners. My understanding is the administration received a recent request from the Government of Guatemala, which is in the process of being addressed.

Question. Has Guatemala received ventilators from the Trump administration in order to strengthen its response to the COVID-19 pandemic?

Answer. I understand the administration recently received a request from Guatemala for ventilators which is in the process of being addressed. Guatemala had previously requested and received other medical supplies to strengthen its response to the pandemic.

Question. Are there plans to send ventilators to Guatemala in order to strengthen its response to the COVID-19 pandemic? If so, how many and when?

Answer. I understand the administration recently received a request from Guatemala which is in the process of being addressed.

Question. I am very concerned with the U.S. decision to walk away from multilateral anti-corruption tools such as CICIG in Guatemala and MACCIH in Honduras. How will you strengthen the rule of law and address corruption in Central America? What tools will you use?

Answer. I understand that in January, Guatemalan President Giammattei created an anti-corruption commission in Guatemala to identify corruption within the Executive Branch, and the Honduran attorney general announced the creation of a new anti-corruption unit within the public ministry (UFERCO) that has taken over investigations MACCIH helped support. I am encouraged by the efforts of the authorities in Guatemala and Honduras to create these new anti-corruption units. If confirmed, I will continue to support U.S. foreign assistance programming in these countries that can support capacity building of these units. If confirmed, I am also committed to using all available deterrence tools at the Department's disposal to seek to ensure there are consequences for anyone involved in and benefiting from significant acts of corruption.

Question. On February 9, Salvadoran President Nayib Bukele sent soldiers to the Legislative Assembly to intimidate legislators into approving a \$109 million loan from the Central American Development Bank to fight crime. Subsequently, his actions have resulted in multiple stand offs with the Supreme Court related to rulings on quarantine regulations that had been struck down by the court from March to May 2020. What is your assessment of this type of behavior and of President Bukele's commitment for the separation of powers in El Salvador?

Answer. The United States supports democracy, rule of law—including the separation of powers—and the strengthening of democratic institutions in El Salvador. President Bukele entering the Salvadoran legislature with armed security forces was wrong. We were heartened the following day he declared he would abide by the supreme court ruling regarding that issue and followed through with his actions. The Department has publicly called on all branches of the Salvadoran Government to work together for solutions consistent with the constitution of El Salvador on how best to improve security, protect the health of its citizens during the COVID-19 pandemic, and foster economic growth. If confirmed, I will continue along this avenue.

Question. President Bukele said publicly on May 18 on a national TV broadcast that he was considering “not paying the salaries” of legislators and Supreme Court judges to “prioritize medicine, food, and salaries of those fighting Covid-19”. What, in your view, would be the consequences of Mr. Bukele following through with his threats? How would this affect the bilateral relationship between the U.S. and El Salvador?

Answer. The United States and El Salvador enjoy a strong bilateral relationship. The Department has stated publicly all branches of the Government of El Salvador should work together to protect the health of Salvadorans and stop the spread of

COVID-19. The administration has committed significant funds to support the Salvadoran response to this pandemic. If confirmed, I will continue to work with El Salvador to strengthen our bilateral relationship.

Question. If confirmed, what specific steps would you take to advocate for the importance of governance and the rule of law in El Salvador, particularly at a time when we are witnessing the challenges described in the previous two questions?

Answer. If confirmed, I will support the continued efforts of the Department of State and the Department of Justice, as well as of the Organization of American States and other international and multilateral bodies, to increase adherence to the rule of law in El Salvador. Together, we will promote accountability for the Government of El Salvador to meet its objectives, including through the Commission Against Corruption and Impunity in El Salvador (CICIES).

Question. Nearly 500,000 Salvadorans were internally displaced by violence in 2019. In January, El Salvador's congress passed landmark legislation to protect and assist internally displaced persons, but the COVID-19 pandemic has exacerbated challenges with devoting resources to the law's implementation. If confirmed, how will you support El Salvador's efforts to address internal displacement?

Answer. In support of El Salvador's goals to bolster its protection capacity under the Comprehensive Regional Protection and Solutions Framework, the Department provides funding to international humanitarian organizations to help the Government of El Salvador mitigate and respond to forced displacement by addressing causes and providing support for Internally Displaced Persons (IDPs). If confirmed, I would encourage El Salvador to continue to address IDP issues and sustain State Department support for these efforts.

Question. According to the State Department, the United Nations High Commissioner for Refugees estimates that El Salvador can adjudicate approximately five asylum cases per year with its current personnel and resources. At the same time, El Salvador has one of the world's highest homicide rates, with gang violence driving nearly 500,000 Salvadorans to flee their homes inside El Salvador, and another 178,000 to flee abroad as refugees and asylum seekers in 2019. Nearly 200 individuals deported from the United States have been killed upon return to El Salvador, according to human rights groups. Given these conditions, do you believe that El Salvador provides conditions of safety and a "full and fair" asylum process to adequately protect asylum seekers and refugees transferred under its Asylum Cooperative Agreement with the United States?

Answer. Before the U.S.-El Salvador Asylum Cooperative Agreement (ACA) can enter into force, the Department of Homeland Security and the Department of Justice must first determine that individuals transferred to El Salvador pursuant to the agreement would have access to full and fair procedures for determining their protection claims. The agencies must also determine that the individual's life or freedom would not be threatened in the receiving country on account of race, religion, nationality, membership in a particular social group, or political opinion.

Question. According to the State Department, El Salvador has no dedicated budget or full-time staff assigned to asylum adjudications, and the United Nations High Commissioner for Refugees estimates that El Salvador has the capacity to adjudicate five asylum cases per year. Do you believe that El Salvador's high levels of violence and barely-existent asylum capacity are adequate to protect asylum seekers transferred there by the United States under its Asylum Cooperative Agreement?

Answer. As a cooperating country to the Comprehensive Refugee Response Framework, the United States provides humanitarian aid and capacity building support through our international organization partners in El Salvador. This assistance is complementary to the Asylum Cooperative Agreement (ACA) and supports the strategic objectives of this regional framework and the goals of its member countries, including El Salvador. This assistance supports El Salvador's efforts to build its asylum capacity and enhances protection resources available to asylum seekers, refugees, internally displaced persons, and other vulnerable migrants, including ACA transferees who request protection or wish to return to their home countries.

Question. According to the State Department, Guatemala adjudicated only 112 asylum claims in 2019. This capacity compares to the 939 asylum seekers, including 357 children, whom the United States transferred to Guatemala in just four months. Do you believe that Guatemala's high levels of violence and weak asylum capacity are adequate to protect the 939 asylum seekers already sent there by the United States?

Answer. As a cooperating country to the Comprehensive Refugee Response Framework, the United States provides humanitarian aid and capacity building support through our international organization partners in Guatemala. This assistance is complementary to the Asylum Cooperative Agreement (ACA) and supports the strategic objectives of this regional framework and the goals of its member countries, including Guatemala. This assistance helps Guatemala to increase its asylum capacity and enhances protection resources available to asylum seekers, refugees, and other vulnerable migrants, including ACA transferees who request protection or wish to return to their home countries.

Question. Guatemala has suspended implementation of the Asylum Cooperative Agreement during the COVID crisis. If confirmed, will you respect Guatemala's determinations on the appropriate timing and scope for the resumption of implementation?

Answer. The United States and Guatemala agreed to pause implementation of the U.S.-Guatemala Asylum Cooperative (ACA) due to the COVID-19 pandemic. If confirmed, I would work with Guatemala on the appropriate timing and scope for the resumption of the ACA implementation.

Question. Guatemala has sought to limit the number of deportees it receives from the United States since dozens of deportees tested positive for COVID-19 upon arrival. Guatemalan authorities are so concerned about the U.S. exportation of COVID-19 that they requested diagnostic support from the U.S. Centers for Disease Control and Prevention. If confirmed, will you support Guatemala's interest in limiting U.S. deportation flights?

Answer. If confirmed, I would work with the Department of Homeland Security on any requests from Guatemala regarding U.S. removal flights.

Question. Guatemalan President Giammattei said in May, "Guatemala is an ally of the United States, but I don't believe the U.S. is an ally to Guatemala because they don't treat us like one." If confirmed, how would you reassure Guatemala's leaders that the United States is their ally and that we seek to pursue mutual interests?

Answer. Our bilateral relationship with Guatemala is close and strong and if confirmed, I would work to build on that foundation. There is a common bond between our two countries based on our shared beliefs in democracy and human rights and shared priorities of economic prosperity and citizen security. The United States has also proven a reliable partner to Guatemala in times of crisis, including most recently by providing more than \$8.4 million in COVID-19 supplemental assistance for Guatemala, including \$6 million in International Disaster Assistance for risk-communications and interventions in water, sanitation, and hygiene and more than \$2.4 million in health funding.

Question. As you know, many of my colleagues and I have been strong supporters of the partnership between the United States and Guatemala. Crucial to this partnership is support for the rule of law and strong, independent, and transparent institutions. I've been troubled by recent developments suggesting that criminal elements have been working to manipulate the selection of judges in Guatemala. I'm also troubled by reports of political attacks against sitting judges in the country's highest court and efforts of undemocratic actors to remove these judges and undermine their efforts to uphold the rule of law. What is your assessment of these troubling developments?

Answer. I too am concerned about effects of criminal elements to manipulate the selection of judges. I support the rule of law and judicial independence in Guatemala. A strong and stable system for ensuring the rule of law is important for attracting investment, providing social stability, addressing criminality and impunity, and ensuring respect for human rights in Guatemala. If confirmed, I commit to remain actively engaged with Guatemalan and civil society interlocutors on these issues, and to publicly express support for judicial independence and the rule of law, including the importance of respect for Guatemala's constitution. I will ensure the Bureau of Western Hemisphere Affairs continues those efforts to support the rule of law.

Question. If confirmed, how will you work to support the integrity of Guatemala's judicial institutions and prioritize U.S. efforts to strengthen institutions that uphold the rule of law?

Answer. If confirmed, I will work to eliminate corrupt influences in Guatemalan institutions through our diplomatic engagements with Guatemalan authorities, public messaging, and programs supporting the rule of law. If confirmed, I will also

work to consistently encourage the Guatemalan Government to combat systemic corruption in all branches of government and to maintain the integrity and independence of the Guatemalan courts, including the Constitutional Court. In addition, if confirmed, I am committed to using all available deterrence tools at the Department's disposal to work to enforce consequences for anyone involved in and benefiting from significant acts of corruption in Guatemala.

Question. According to the State Department, Honduras adjudicated a total of 46 asylum claims in 2019, and has no dedicated budget or full-time staff assigned to its asylum office. Do you believe that Honduras's high levels of violence and weak asylum capacity are adequate to protect asylum seekers transferred there by the United States under its Asylum Cooperative Agreement?

Answer. As a cooperating country to the Comprehensive Refugee Response Framework, the United States provides humanitarian aid and capacity building support through our international organization partners in Honduras. This assistance is complementary to the Asylum Cooperative Agreement (ACA) and supports the strategic objectives of this regional framework and the goals of its member countries, including Honduras. This assistance supports the Government of Honduras to build its asylum capacity and enhances protection resources available in these countries to asylum seekers, refugees, internally displaced persons, and other vulnerable migrants, including ACA transferees who request protection or wish to return to their home countries.

Question. In 2019, in the U.S. drug trafficking case against Honduran national Juan Antonio Hernández, court filings made reference to an unidentified co-conspirator (CC-4), stating that "CC-4 was elected President of Honduras in late 2013." For the congressional record, can you please state who was elected President of Honduras in late 2013?

Answer. Juan Orlando Hernández was elected president of Honduras in 2013.

Question. What is your understanding of the involvement of President of Honduras in drug trafficking?

Answer. The Department refers any questions about the court filings in the trials concerning Tony Hernández, Geovanny Daniel Fuentes Ramirez, and Juan Carlos Bonilla Valladares to the Department of Justice.

Question. If you received information that an elected official in Honduras was involved—whether directly or as an accomplice—in drug trafficking, what specific steps would you take?

Answer. If confirmed, I would refer information implicating officials in drug trafficking to the Department of Justice.

Question. Do you believe that Kingpin sanctions should be used against elected officials in Honduras who have been involved in drug trafficking?

Answer. I understand the Department, in cooperation with the Department of the Treasury, works to investigate and impose sanctions, as appropriate, to promote accountability for a variety of crimes, including drug trafficking through the Foreign Narcotics Kingpin Designation Act and on corruption through the Global Magnitsky sanctions program. The Department also applies visa restrictions and publicly designates corrupt officials and their family members, as appropriate, under Section 7031(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act. It is my understanding that the tools are applicable to foreign officials. If confirmed, I am committed to continuing to utilize the tools at the U.S. Government's disposal to block assets and deny access to the United States to officials involved in corruption and drug trafficking.

Question. On April 21, 2020, I—along with Senators Inhofe, Rubio, Scott and Leahy— sent a letter to Secretary Pompeo requesting the referral of all U.S. citizen claims against Honduras to the Foreign Claims Settlement Commission (FCSC) of the U.S. Department of Justice. We reference several such claims, some of which have lingered for decades and, in some cases, allege damages in the tens of millions of dollars. These include the claim of a cement company, CEMAR, formerly owned by a U.S. claimant. Also, mentioned is a Honduran cement duopoly that was responsible for the demise of CEMAR, as corroborated in U.S. and Honduran official findings. It is our understanding that a member of this duopoly, CENOSA is supplying the cement for the new \$500m U.S. Embassy under construction in that country. Equally troubling is the fact that Honduran officials and businessman, including CENOSA principals, have been convicted in U.S. courts of drug trafficking, money laundering, and other federal crimes.

Do you support the referral of all U.S. citizen claims against Honduras to the FCSC? If you are confirmed, would you assure this committee that your office will submit a plan for the resolution of outstanding confiscation claims—including those of CEMAR and other U.S. claimants—within your first 30 days in your position?

Answer. I understand the Department has urged the Honduran Government at the highest levels to resolve outstanding disputes. Regarding your request to refer U.S. citizen claims against Honduras to the FCSC, the Department notes that such a referral would not provide an avenue of redress to claimants absent a negotiated claims settlement. Indeed, the United States negotiates BITs and other investment treaties with countries to enable U.S. investors to seek compensation for wrongful acts directly from these countries. The Department will continue to work to resolve outstanding confiscation claims.

Question. U.S. firms and citizens continue to report that malfeasance and a lack of accountability in the Honduran Government, including in the Honduran judiciary, are significant concerns and a constraint to successful investment in Honduras (Note: See USTR ANNUAL NTE REPORT 2019—HONDURAS). Many longstanding legal claims against Honduras remain unresolved despite appropriations laws from 2016 to present conditioning aid to that country on, among other things, fighting corruption and the resolution of U.S. citizens' claims... With the refusal of the Honduran Government to renew the OAS anti-corruption commission, what steps will you take to improve the investment climate in Honduras? If you are confirmed, would you prioritize the prompt resolution of U.S. citizens' claims against Honduras that have lingered for many years or even decades?

Answer. I remain committed to the fight against corruption and to the promotion of transparency, accountability, and rule of law in Central America. If confirmed, I will continue to support the efforts of Central American Governments to address corruption in their countries. The U.S. Government is supporting the efforts of the newly-established Special Fiscal Unit Against Corruption Network (UFERCO) in Honduras. If confirmed, I will continue to look for ways to strengthen anti-corruption efforts.

Question. On January 13, Chairman Risch and I wrote to Secretary Pompeo asking that he takes steps to align U.S. diplomacy and sanctions related to Nicaragua in order to establish a unified strategy with the objective of creating the conditions for free, fair, transparent and democratic elections in 2021. What specific steps will you take to align U.S. diplomacy and sanctions in support of democratic elections in Nicaragua in 2021?

Answer. Your letter was well received, and I know from my role in USOAS that the administration has a comprehensive strategy that aligns bilateral and multilateral diplomacy and sanctions, as well as our support for the Nicaraguan pro-democracy coalition. If confirmed, I look forward to working with the Organization of American States (OAS) and the international community more generally to press for robust electoral reforms outlined by Nicaraguan civil society. The United States continues to call out the Ortega regime's blatant corruption and disregard for human rights. On July 20, the United States imposed additional financial sanctions, sending a clear message to the Ortega regime that the pressure will continue until respect for the democratic human rights of the Nicaraguan people are restored. If confirmed, I will work to advance this coordinated diplomatic and economic pressure.

Question. What is your assessment of the Cuban Medical Professional Parole program, which was started in August 2006 and ended in January 2017? Did you consider it a valuable foreign policy initiative?

Answer. I understand that from 2006 to 2017, the Cuban Medical Professional Parole (CMPP) program allowed 16,206 Cuban doctors and their families to apply to take refuge in the United States. The Obama administration in its last weeks in office agreed with Cuba to end the program to provide parole to the doctors who wished to escape from the program. In return, Cuba agreed to consider accepting the return of other categories of Cuban nationals subject to final removal from the United States by DHS.

Question. If confirmed, will you use your position as Assistant Secretary for Western Hemisphere Affairs to advocate that the U.S. Government re-establish the Cuban Medical Professional Parole program?

Answer. I understand the authority to reinstate the program resides with DHS and the most recent agreement signed as part of the Migration Accords specifically commits the United States to eliminating the CMPP. That said, I will commit to reviewing the program with our DHS partners to determine the extent to which it is achieving our foreign policy goals.

Question. Over the past 15 years, with a limited number of exceptions, the U.S. Executive branch has traditionally requested \$20 million annually from the U.S. Congress for programs to support democracy activists, human rights defenders, and independent civil society. However, in the last 3 years, the Trump administration has repeatedly requested less than \$20 million for Cuba democracy programs. What is your understanding of why the Trump administration has requested less than \$20 million for these programs during the last 20 years?

Answer. U.S. Cuba policy currently supports democracy and human rights on the island and the United States' intention to demonstrate solidarity with the Cuban people in the face of a repressive regime. Direct U.S. assistance to promote respect for human rights and fundamental freedoms is important. U.S. assistance supports independent civil society initiatives that promote democracy, human rights, and fundamental freedoms, including freedoms of expression and association. It is my understanding that the request levels in the past years have been based on assessment of the best balance among worldwide assistance requirements. If confirmed, I will review the records and advocate for sufficient funding for these important programs.

Question. If confirmed, will you advocate for the Trump administration to request \$20 million from Congress for Cuba democracy programs?

Answer. The administration's Cuba policy makes clear the intent to support the Cuban people by advancing human rights and democracy in Cuba. Annual funding requests are formulated to ensure maximum efficiency and effectiveness of U.S. taxpayer dollars.

Question. Should the Cuban Government profit off of Cuban confiscated property that they claim to own in the US?

Answer. The Cuban Government should not profit off of property that it improperly confiscated in Cuba. U.S. policy currently takes a stance on such confiscated property, no longer suspending Title III of the LIBERTAD Act of 1996 and stepping up enforcement of Title IV of that Act.

Question. Are you aware that the State Department provided foreign policy guidance to OFAC to allow the Cuban Government to renew an expired trademark registration for Havana Club rum that was denied previously?

Answer. I understand that in 2015 the State Department provided foreign policy guidance to OFAC in connection with a license request by a Cuban state owned enterprise in connection with the Havana Club trademark registration, following which the company renewed its trademark registration at USPTO.

Question. Do you commit to providing new foreign policy guidance to OFAC to deny the Cuban Government its trademark registration for Havana Club rum?

Answer. While I understand the Department does not discuss the details of its foreign policy guidance to the Treasury Department, and I would not want to prejudice any possible action, I commit to reviewing whether new foreign policy guidance would be appropriate in this and any other case as necessary to ensure the administration's policy on Cuba.

Question. The consolidation of peace in Colombia is a bipartisan goal and progress towards this will be a historic achievement. Yet peace accord implementation has faced challenges and human rights defenders and community leaders who have put their lives on the line to build peace are being threatened and killed. Consolidation of peace is also needed if Colombia is to continue its generous role towards Venezuelan refugees. If confirmed, what steps would you take to encourage the Duque administration to fully implement the peace accords and protect human rights defenders?

Answer. It is my understanding that the United States continues to support Colombia's implementation of the 2016 peace agreement as it continues the essential long-term work of extending security, state presence, and economic development throughout the country. If confirmed, I will continue the U.S. diplomatic engagement and foreign assistance programming that has supported Colombia's progress since the signing of the accord. I share your concern over the persistent killings of human rights defenders. If confirmed, I will engage with the Colombian Government and civil society to support and encourage Colombia's efforts to investigate and prosecute those responsible for these killings, and to deter future violence.

Question. The political, economic, and humanitarian crisis in Venezuela has driven more than five million Venezuelans to flee their country. In the region, Colombia has been the largest recipient of Venezuelan migrants and refugees. While the Trump administration has made efforts toward addressing this crisis, I am con-

cerned that this amount does not meet the magnitude of the crisis. What is your assessment of the amount needed to meet the current needs of countries like Colombia, where the capacity of schools and hospitals are overwhelmed by the influx of Venezuelan refugees?

Answer. The nearly 1.8 million Venezuelan refugees currently sheltering in Colombia do create a significant challenge for the Colombian Government, especially in terms of resources and social services. To assist, the U.S. Government has contributed over \$267 million in health and humanitarian assistance and over \$77 million in development and economic assistance since FY 2017, making Colombia the largest regional recipient of assistance for the Venezuela response. This funding complements Colombia's own existing efforts to assist Venezuelan refugees and the communities that host them. If confirmed, I will strongly encourage other donors to contribute more assistance to Colombia and other host countries to address the Venezuelan regional crisis.

Question. While I understand that the current priority focuses on eradication, given the alarming levels of coca cultivation we continue to see in Colombia, we cannot expect to achieve long-term success without a balanced approach, such as emphasis on money laundering and financial crimes. If confirmed, what steps would you take to advocate for a more comprehensive approach to our counternarcotics strategy in Colombia?

Answer. I understand the United States continues to work with Colombia on a comprehensive approach to counternarcotics, rural development, and rural security, with the goal of reducing coca cultivation and cocaine production to half of 2017 levels by the end of 2023. We believe that the most effective way to reach this joint goal is through an integrated approach that includes manual eradication, alternative development, new technologies, and targeted aerial eradication. We need to continue bolstering Colombia's investigatory capabilities to address international money laundering and financial crimes. If confirmed, I will work with partners including the Department's Bureau of International Narcotics and Law Enforcement (INL) to ensure that the United States deploys all possible tools to assist Colombia.

Question. While there has been bipartisan support for elements of the administration's approach in Venezuela—including through my VERDAD Act, which was signed into law last year—progress remains limited. The Maduro regime is taking steps to hold fraudulent legislative elections later this year, packing the electoral counsel and dismantling opposition parties. If Maduro—with the support of the Cuban regime and Putin's Russia—continues undeterred, he will be poised to lock down a criminal dictatorship for years to come. Given the scope of Venezuela's humanitarian crisis, this result would be disastrous. If confirmed, what specific steps would you take to ensure that a free, fair, transparent and democratic electoral process takes place in Venezuela this year, one in which leaders from the interim government and the political opposition are able to successfully compete?

Answer. The Maduro regime's announcement of new parliamentary elections on December 6 is a continuation of his efforts to undermine democracy in Venezuela. If confirmed, I will continue to engage robustly with our partners in the international community to ensure we maintain pressure on the illegitimate Maduro regime and support for Venezuela's democratic actors. A centerpiece of this effort will be securing Venezuelan and international support for the Democratic Transition Framework for Venezuela. This initiative proposes to establish a broadly acceptable transitional government to oversee free and fair presidential and parliamentary elections. It shows those in the Maduro camp that he is the obstacle to the resolution of the crisis on terms acceptable to them, including lifting sanctions. At the same time, I anticipate continuing to deploy sanctions to force the Maduro regime to engage in a political solution, as well as ensure the Department proactively identifies and targets new sources of regime income, such as illicit gold.

Question. While there is broad bipartisan support for the restoration of democracy in Venezuela, U.S. efforts and those by our diplomatic partners have not achieved our desired goal. What do you think the Trump administration could have done differently in the last 18 months in order to increase our overall chance for success?

Answer. Venezuela remains in a deep crisis under the illegitimate regime of Maduro. Dismantling the dictatorial regime's grip on the country is difficult. Maduro's deceit in pretending to enter into negotiations, although he had no intention of making changes, made progress difficult for both the opposition and the international community. If confirmed, I will remain steadfast in our support for a political resolution to Venezuela's crisis. Our proposed Democratic Transition

Framework for Venezuela illustrates a path to establish a broadly acceptable transitional government to oversee free and fair presidential and parliamentary elections.

Question. While there is broad bipartisan support for the restoration of democracy in Venezuela, U.S. efforts and those by our diplomatic partners have not achieved our desired goal. What changes to you think the Trump administration could make in the next 6 months in order to increase our overall chance for success?

Answer. Venezuela's multifaceted crisis, compounded by the COVID-19 pandemic, is increasingly dire. Many in the illegitimate Maduro regime are beginning to realize they need to take advantage of the off-ramps offered before things get worse for them. If confirmed, I will continue our robust support of Venezuela's democratic actors as they seek to restore democracy to Venezuela. As I have at the OAS, I will support means by which the international community and Venezuelan actors can pressure Maduro to leave power and allow a broadly acceptable transition government to organize free and fair presidential and parliamentary elections as outlined in our Democratic Transition Framework.

Question. What is, in your opinion, the worst case scenario for Venezuela, and how does it affect U.S. national security interest?

Answer. The worst outcome would be that Venezuela continues to deteriorate and democracy, economic stability, and rule of law are not peacefully restored in Venezuela. The illegitimate Maduro regime has destroyed Venezuela's institutions, economy and infrastructure through his abuse of state power and by welcoming malign support from outside nations, including Cuba, Russia, Iran, and China. Depending on the nature of such support, these partnerships may also end up compromising U.S. national security. These nations enable his reign of terror to continue through additional financial support. The regime's various tactics of public intimidation, including torture, are enabling a despot at the expense of the Venezuelan people. The illegitimate Maduro regime harbors traffickers and other transnational criminal organizations as well as providing a foothold in the hemisphere to Russia and other malign actors. In addition, millions of fleeing Venezuela are overburdening neighboring countries and threaten regional security.

Question. With regards to Cuba's meddling in Venezuela, can you outline your strategy to increase the cost to Havana of propping up Maduro's repressive apparatus and thwarting the international pressure being applied by the international community?

Answer. The Department and White House have condemned Cuban interference in Venezuela and if confirmed, I would encourage our partners to do the same. Among financial and travel restrictions on Cuban individuals and/or entities supporting the illegitimate Maduro regime, the U.S. Government has designated firms, vessels, and state-owned enterprises participating in the transport of Venezuelan oil to Cuba, giving away a natural resource at the expense of the Venezuelan people. If confirmed, I would also seek additional opportunities to implement appropriate measures in connection with Cuban individuals and/or entities responsible for funding or otherwise enabling the Maduro regime.

Question. With regards to Russia's meddling in Venezuela, can you outline your strategy to increase the cost to Moscow of propping up Maduro's repressive apparatus and thwarting the international pressure being applied by the international community?

Answer. The Department and White House have condemned Russian interference in Venezuela and I would encourage our partners to do the same. Moreover, the U.S. Government has targeted firms, vessels, and state-owned enterprises engaging in transactions involving Venezuelan oil, including Rosneft Trading SA, to indicate that we no longer are merely messaging on Russia's interference, we are taking action. If confirmed, I would seek additional opportunities to implement appropriate measures in connection with Russian individuals and/or entities responsible for funding or otherwise enabling the illegitimate Maduro regime.

Question. In July 2018, the House of Representatives passed legislation (HR.549) that would designate Venezuela for Temporary Protected Status (TPS). Both the House legislation and my bill (S.636) have not advanced in the U.S. Senate due to Republican objections. If confirmed, would you advocate that Republican Senators support approval of S.636 or HR.549?

Answer. If confirmed, I would work with Congress and DHS, as appropriate, on issues related to TPS.

Question. Regardless of Congressional action, the Trump administration has all of the authority it needs to designate Venezuela for TPS. What is your under-

standing of why the Trump administration has chosen not to exercise its authority and designate Venezuela for TPS?

Answer. The decision on whether to designate a country for TPS is made by the Secretary of Homeland Security. I understand that, as part of the decision process, the Secretary of Homeland Security consults with other agencies. If confirmed, I will seek to ensure the Secretary of State has the information he needs to properly inform the DHS decision, as appropriate.

Question. While the ultimate decision to designate a country for TPS lies with DHS, the State Department plays an active role in the interagency decision making process. If confirmed, would you advocate, on behalf of the State Department, that the Trump administration designate Venezuela for TPS?

Answer. I understand that, as part of the decision process to designate a country for TPS, the Secretary of Homeland Security consults with other agencies.

If confirmed, I will work to ensure the Secretary of State has the information he needs to properly inform the DHS decision, as appropriate.

Question. More than 5 million Venezuelans have fled to countries across Latin America and the Caribbean. Colombia, a U.S. ally, hosts 1.8 million Venezuelans. Peru hosts over 830,000 Venezuelans. Here in the United States, an estimated 200,000 Venezuelan nationals would benefit from TPS according to the Congressional Budget Office. What signal does it send to our partners in Latin America and the Caribbean that are currently hosting the vast majority of Venezuelan refugees and migrants that the U.S. is unable to provide TPS to 200,000 Venezuelans currently in the United States?

Answer. I understand that, as part of the decision process to designate a country for TPS, the Secretary of Homeland Security consults with other agencies. If confirmed, I will work to ensure the Secretary of State has the information he needs to properly inform the DHS decision, as appropriate.

If confirmed, I will also work with my colleagues at the appropriate agencies to coordinate our response to the humanitarian crisis in Venezuela, including boosting affected countries' long-term capacity to respond to the influx of Venezuelans, strengthening and expanding social services, providing technical support to national migration authorities, and creating new economic opportunities in communities hosting Venezuelans.

Question. During your confirmation hearing, you stated that "individuals should not be returned to Venezuela in the current circumstances." However, you did not express support for providing Venezuelans in the U.S. with TPS. Please explain why you support a policy that leaves Venezuelans in the U.S. without protections, legal status, or the eligibility to receive work authorization so that they can support themselves and their families?

Answer. The Department of State is focused on ending the crisis and getting Venezuela back on the road to stability for the benefit of all Venezuelans.

The United States is the largest donor to relief efforts for the Venezuela humanitarian crisis. This assistance provides life-saving aid and critical basic services—including shelter for the most vulnerable, emergency food and health assistance, safe drinking water, protection from violence and exploitation, and work and education opportunities—throughout the region to those who have fled repression and chaos in Venezuela.

Question. The exodus of 5.2 million Venezuelans to countries across Latin America and the Caribbean is now the source of the second largest displacement crisis in the world—second only to Syria. Although the United States is the largest donor in support of the vast humanitarian needs resulting from the Venezuela crisis, the majority of humanitarian needs remain unmet, and these needs continue to increase as the COVID-19 pandemic surges across the region. If confirmed, what actions will you take to increase humanitarian assistance and protection for Venezuelans?

Answer. If confirmed, I will continue to encourage the provision of additional U.S. humanitarian assistance and support to protection programs for Venezuelans—wherever they may be. I will also continue bilateral and multilateral engagement with other prospective donors to encourage greater burden-sharing and increased international contributions. To date, the United States has provided more than \$856 million in humanitarian and development assistance to support programs inside Venezuela and across 16 neighboring countries. In addition to COVID-19 aid, the United States is providing \$13.7 million in humanitarian funding to help Venezuela and \$20.6 million to help Colombia, which hosts nearly 1.8 million Venezuelan refugees.

Question. If confirmed, what strategy will you pursue to increase access for humanitarian organizations inside Venezuela? Please be specific.

Answer. If confirmed, I will work closely with my USAID colleagues to keep pressing the United Nations, as well as the illegitimate Maduro regime, for increased humanitarian aid access for Venezuelans in need. The humanitarian community has been attempting to coordinate with the illegitimate Maduro regime for a significant time period to facilitate a mechanism for registration of international humanitarian organizations and temporary entry as international entities, but so far nothing has come to fruition. I will press the U.N. to be more forceful in this regard. In the meantime, humanitarian organizations of all kinds are at times able to register locally and gain access this way, but local registration remains an arduous process.

Question. If confirmed, what steps will you take to avoid politicization of U.S. humanitarian assistance in the Venezuela context? What policy will you pursue on branding of U.S. humanitarian assistance? Please be specific.

Answer. If confirmed, I will honor and uphold the humanitarian principles of humanity, neutrality, impartiality, and independence that guide our operations and assistance in the Venezuela context. I look forward to working with my USG humanitarian assistance colleagues, such as in USAID and PRM, on the branding of U.S. humanitarian assistance but to date, I understand due to security concerns and the protection and wellbeing of our implementers, USG-origin aid is unbranded.

Question. If confirmed, do you commit to make public statements clarifying the Treasury Department Office of Foreign Assets Control's guidance on U.S. sanctions related to Venezuela to ensure these sanctions do not impede humanitarian organizations?

Answer. U.S. policy is to ensure the Venezuelan people have access to food and medicines, which is why the United States maintains broad exemptions and authorizations under its Venezuela sanctions program that allow for the provision of humanitarian assistance and the commercial sale and export of agricultural commodities, food, medicine, and medical devices, to Venezuela. We will continue to seek opportunities to highlight these exemptions and authorizations and work with stakeholders, including international organizations, foreign companies, and financial entities, to prevent over compliance.

Question. If confirmed, what specific actions will you take to significantly increase humanitarian and development support for the needs of Venezuelan refugees and migrants by other donors?

Answer. In order to increase humanitarian and development support for Venezuelan refugees by other donors, if confirmed, I will seek to engage in the diplomatic and multilateral context through existing consultative mechanisms, including the Quito Process and UN-sponsored donor conferences, to enable continued progress on host-countries' economic and social development agendas and to shore up necessary resources to fill gaps. Incorporating Venezuelan refugee populations into development programs is key to the successful integration of these populations into local communities and economies.

Question. While the ultimate decision to designate a country for TPS lies with DHS, the State Department plays an active role in the interagency decision making process. If confirmed, would you advocate, on behalf of the State Department, that the Trump administration designate Venezuela for TPS?

Answer. I understand that, as part of the decision process to designate a country for TPS, the Secretary of Homeland Security consults with other agencies. If confirmed, I will work to ensure the Secretary of State has the information he needs to properly inform the DHS decision, as appropriate.

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The United States is the largest donor to relief efforts for the Venezuela humanitarian crisis. This assistance provides life-saving aid and critical basic services—including shelter for the most vulnerable, emergency food and health assistance, safe drinking water, protection from violence and exploitation, and work and education opportunities—throughout the region to those who have fled repression and chaos in Venezuela.

Question. If confirmed, will you prioritize the integration of Venezuelan refugees into U.S. development programs for host countries?

Answer. I support a combined humanitarian and development approach to simultaneously improve the conditions of Venezuelan refugees and migrants and enable continued progress on host-countries' economic and social development agendas. I will work to advance the integration of Venezuelans into development programs, which can minimize the strains on public services, infrastructure, social cohesion, and the broader economy that may result from hosting large numbers of Venezuelans, and to ensure that strengthened coherence between humanitarian and development actors is a top priority in the U.S. response to the Venezuela regional crisis.

Question. If confirmed, will you advocate for U.S. funding of the World Bank's Global Concessional Financing Facility projects in support of refugees and host communities in Colombia and Ecuador?

Answer. Yes. I understand the Department favors supporting Global Concessional Financing Facility (GCF) projects that benefit both refugees and their hosting communities, and I look forward to supporting the Department's objectives. I understand the Department's Bureau of Population, Refugees and Migration is working to support a GCF housing project in Colombia with \$25 million of ESF funds from the FY 2019 appropriation and I look forward to working with them, if confirmed.

Question. Last year, the Moreno Government reached initial agreement on a \$4 billion IMF package, which would be in addition to \$6 billion in support from the Inter-American Development Bank, World Bank, and other financial institutions. These funds will help Ecuador create conditions for a more inclusive economy, protect vulnerable sectors of the population, and increase competitiveness. It is clear that the COVID-19 pandemic will further exacerbate the damage to an already weak economy and magnify the country's need for economic relief. What does the magnitude of this financial package say about the scope of the economic challenges that President Moreno inherited from his predecessor?

Answer. Ecuadoran President Lenin Moreno inherited challenging economic problems from his predecessor. President Moreno has set Ecuador on a more democratic, market oriented path for the long term benefit of the Ecuadoran people. The United States has supported Ecuador and increased bilateral cooperation across various issues of mutual interest to increase economic growth. The United States and Ecuador resumed active engagement on trade issues with the reactivation of the bilateral Trade and Investment Council in November 2018 after a nine-year lapse. If confirmed, I will work closely with Treasury and international institutions in support of Ecuador.

Question. What is your assessment of the Moreno Government's ability to successfully manage and implement this major financial package, in light of the COVID-19 pandemic and as the country prepares to hold presidential elections in early 2021?

Answer. The Moreno administration is working to meet its responsibilities to the Ecuadoran people and its creditors despite the fierce economic impact of COVID-

19. My assessment is that the Government faces huge challenges created by the previous regime and is doing a very professional job of managing them in negotiating and implementing a financial package. In addition, the Department of State and interagency partners continue to support Ecuador during health and economic challenges. The Department of State and USAID have provided nearly \$14 million in COVID-related assistance to strengthen Ecuador's health system, provide emergency food relief, technical assistance and training, and humanitarian assistance to support refugees and host communities. USAID has also delivered 50 ventilators at a time of critical need, saving lives and helping Ecuador respond to the COVID-19 pandemic.

Question. Venezuela's widespread humanitarian crisis has prompted more than 5 million Venezuelan migrants to flee their country and, in turn, has placed significant strain on neighboring countries. Ecuador has received over 300,000 Venezuelan migrants, and hundreds of thousands more have passed through the country during the last two years in transit to other countries. What is your assessment of Ecuador's ability to manage this massive influx of Venezuelan refugees?

Answer. Ecuador hosts nearly 363,000 Venezuelans and more than 69,000 (mostly Colombian) registered refugees, straining social and health services. Despite severe economic difficulties, President Moreno continues to be supportive of Venezuelan refugees remaining in and transiting through Ecuador. Since 2017, the United States has contributed nearly \$81 million in humanitarian aid to assist with emergency response efforts to address the influx of Venezuelans. The Department's programming continues to support beneficiaries through cash-based assistance and is exploring how to provide food assistance and other support to shelters. If confirmed, I look forward to working with the Ecuadorans as we confront this regional crisis.

Question. If confirmed, what type of cooperation with the Moreno Government would you prioritize in order to support their efforts to address the Venezuelan migration crisis and uphold their international commitments?

Answer. I understand that as of August 2019, Ecuador began requiring a humanitarian visa for Venezuelans, and the United States continues to engage on protection for and assistance to vulnerable populations. Additionally, Venezuelans are facing acute challenges in meeting critical needs since Ecuador instituted the March 11, 2020, state of emergency restricting movement and large gatherings to fight COVID-19. PRM programming continues to support refugees and migrants remotely through cash-based assistance and is exploring how to provide food assistance as well as other material support to shelters. PRM is also re-programming existing NGO funding to assist in providing lodging and food assistance for the most vulnerable Venezuelans.

Question. Ecuador continues to struggle with high levels of corruption. Earlier this year, former President Rafael Correa was among 20 people, including his vice president, Jorge Glas, accused and convicted of using their public office to favor certain contracts in exchange for large amounts of money. Most recently, the U.S. Department of Justice indicted two Ecuadorian executives—residents of Miami, Florida—due to their links to Ecuador's state-owned petroleum company Petro-Ecuador and several money laundering and other Foreign Corrupt Practices Act violations. If confirmed, what steps would you take to strengthen transparency and accountability efforts in the region and specifically in Ecuador?

Answer. Ecuadoran President Lenin Moreno has made fighting corruption one of his top priorities and has supported prosecuting top government officials implicated in corrupt acts. If confirmed, I will support the Department of State's cooperation with Ecuador on anti-corruption efforts. For example, the Department has ongoing Fiscal Transparency Innovation Fund projects worth \$1.5 million focused on increasing transparent management of public funds. If confirmed, I will also support increased cooperation on anti-money laundering efforts to limit the movement of illicit proceeds from corrupt activities.

Question. Since President Moreno took office in May 2017, Ecuador has increased its cooperation with the U.S. Government on counternarcotics efforts, resulting in multiple seizures at sea and the interdiction of tons of cocaine heading to the US. The U.S. and Ecuador have also expanded law enforcement and security cooperation efforts, including the Ecuadorian Government's invitation by the for the United States to reestablish an Office of Security Cooperation at the U.S. Embassy in Quito and the visit of USNS Comfort to Ecuador in October of last year. If confirmed, what next steps would you look to take with the aim of further deepening security cooperation with Ecuador?

Answer. Ecuador faces growing threats from narcotrafficking and transnational crime. If confirmed, I will collaborate with other bureaus in the Department of State and with our interagency partners on increasing security cooperation with Ecuador. The United States Government is working closely with Ecuadoran authorities to strengthen law enforcement and justice sector capacities. INL, OSC, DHS, and DEA programing directly enable Ecuadoran efforts to detect and interdict cocaine shipments, enhance information sharing, facilitate investigations and prosecutions of criminal cases, improve border and port security, and advance U.S. counternarcotics goals in the region. If confirmed, I will continue support for this successful work.

Question. Weak rule of law is, by most experts' estimation, the single most pressing issue in Latin America and the Caribbean. In your estimation, what role should the U.S. Government play in strengthening the rule of law and combating corruption in the hemisphere?

Answer. The United States should play a leading role in strengthening the rule of law and combating corruption in the hemisphere. If confirmed, I look forward to engaging through mechanisms such as the Open Government Partnership and the Summit of the Americas process to highlight the importance and ways of combatting corruption.

Question. Will you call out authoritarian governments on the right and left? What tools will you use to respond to authoritarian governments?

Answer. If confirmed, yes, I will call out authoritarian governments on the right and left. Some of the tools available to do that are the annual Country Reports on Human Rights Practices, press statements, and social media. Tools available to make clear that there are consequences for authoritarian behavior include, where applicable, imposition of visa restrictions and economic sanctions under various legal authorities, such as Executive Order 13818, which implements the Global Magnitsky Act.

Question. Will you ensure that our Embassy in Ottawa and consulates across Canada prioritize the return of ballots as an essential service in order to ensure that ballots are returned to voters' home states in a timely manner?

Answer. The U.S. Department of State is committed to providing voting information and assistance to U.S. citizens in Ottawa at our Embassy and Consulates across Canada. The health and safety of U.S. citizens and our staff are our primary concerns. We have recently sent guidance to our posts to ensure they provide clear messaging that voters may return their voted ballots via international mail, private commercial courier services such as FedEx or DHL, or by drop off at a U.S. Embassy or Consulate that is at or above Phase 1 in the Diplomacy Strong reopening process.

Question. Will you commit that our missions across Canada will provide public information to eligible U.S. voters on how to securely and safely cast their ballots during a pandemic?

Answer. The Department is providing and will continue to provide U.S. citizens in Canada and across the globe with the information they need to vote.

Question. If consular services are still curtailed in the fall, will the return of ballots be prioritized as an essential service?

Answer. The Department will provide ballot return services for U. S. citizens at U.S. embassies and consulates that are at or above Phase 1 of the Diplomacy Strong reopening process. We will provide guidance for ballot return via private courier service, or international mail to U.S. citizens if posts remain at Phase 0. We will continue to monitor the situation as it progresses worldwide and make adjustments to our policy, if warranted.

Question. If additional consular officers are needed to ensure the ballots of overseas voters in Latin America and the Caribbean can be safely and securely returned, is there a plan to shift resources to this vital American Citizen Service?

Answer. Our U.S. embassies and consulates will allocate the personnel necessary to assist with ballot return at our posts that are at or above Phase 1 of our reopening process.

Question. Will you issue guidance to Embassies on procedures for receiving and returning ballots during the pandemic? Will you put new procedures in place that will allow "no contact" ballot drop-offs at all embassies and consulates to reduce potential exposure to the coronavirus?

Answer. The situation at each post is different, and procedures for safely receiving and returning ballots will be provided to our U.S. citizens on the websites of all of

our overseas posts. Posts that are at or above Phase 1 of our reopening process will provide a drop box or a face-to-face means to receive ballots.

Question. Will you advise U.S. Embassies and Consulates in Latin America and the Caribbean to plan voter education or information campaigns to advise eligible U.S. voters living overseas on how to securely and safely cast their ballots in a timely fashion, the steps their embassy or consulate is taking to ensure their right to vote remains upheld, and information on how the Department is working to ensure their ballot is being forwarded to their home state even if coronavirus restrictions remain in place?

Answer. The Department is and will continue to provide U.S. citizens across the globe with the information they need to vote. All posts at or above Phase 1 of our reopening process will be provided a drop box or face-to-face option to return their completed ballots. U.S. citizens in countries where posts remain at Phase 0 will be provided guidance on returning their ballots.

Question. Since the election of President Trump, the State Department has largely refused to show up at hearings of the Inter-American Commission on Human Rights and has questioned the commission's authority to even hear cases related to the United States. What is your opinion of whether or not the IACHR has authority to hear cases related to the United States?

Answer. The United States strongly supports the Inter-American Commission on Human Rights (IACHR), including through robust financial support. The United States continues to engage with and appear before the IACHR, and I agree that the IACHR has the authority to engage on certain petitions related to the United States. As part of this ongoing engagement, the United States has taken the position that it reserves its right to object to the IACHR's competence to opine on specific matters.

Question. What guidance did you personally provide to U.S. Government colleagues regarding whether U.S. officials should attend IACHR hearing related to the United States?

Answer. The United States strongly supports the Inter-American Commission on Human Rights (IACHR), including financial support. The United States has continued to engage with and appear before the IACHR, and if confirmed, I will continue to support U.S. officials attending appropriate IACHR hearings and other events related to the United States. I have also underscored to the IACHR our ongoing efforts to attend IACHR sessions, while bearing in mind the challenges of engaging extensively on subjects which are often complex, fast-changing, the subject of domestic litigation or congressional consideration, or of great political sensitivity.

Question. Despite the Trump administration's position regarding IACHR cases related to the United States, the Inter-American system has been instrumental in denouncing human rights abuses in Cuba, Nicaragua and Venezuela, findings often cited by the Trump administration officials. What is your personal assessment of the IACHR's work related to Cuba, Nicaragua and Venezuela?

Answer. The reporting of the IACHR has been extremely helpful in shedding light on the human rights violations and abuses committed in Venezuela, Cuba, and Nicaragua and giving a voice to the victims. Even instances where the IACHR team has been denied entry, such as to Venezuela in February, help to maintain an international focus on the fact that violations and abuses continue. The petition-based efforts of the IACHR help to ensure that governments are held accountable, thereby providing avenues for justice on the part of victims.

Question. If confirmed, what commitment can you make that you will fight against efforts by U.S. lawmakers to tarnish the IACHR's legitimacy?

Answer. The United States strongly supports the Inter-American Commission on Human Rights (IACHR), including through financial support that enjoys bipartisan Congressional support. The IACHR remains an important part of the Inter-American system for the protection and promotion of human rights, and contributes to broader OAS efforts related to the collective defense of democracy. If confirmed, I plan to continue the United States' general support of the IACHR. I look forward to advancing efforts to protect the autonomy, independence, and relevance of the IACHR.

Question. If confirmed, what commitment can you make that you will push to restore U.S. engagement with the IACHR and the inter-American system more broadly, including in regard to cases related to the United States?

Answer. The United States strongly supports the work and programming of the Inter-American Commission on Human Rights (IACHR), including through financial support. The IACHR is an important part of the Inter-American system for the promotion and protection of human rights, and contributes to broader OAS efforts related to democratic governance. If confirmed, I plan to continue United States engagement with the IACHR, including on matters related to the United States. I recognize the utility of the U.S. presence in IACHR hearings, and the Commission has similarly acknowledged the importance of U.S. viewpoints relative to its work in the region.

Question. Latin America is currently the epicenter of the coronavirus pandemic. Last week, Latin America overtook North America in the number of fatalities. In April, the IMF predicted economies in Latin America and the Caribbean would contract by 4.2%. A few weeks ago, however, they revised that prediction, more than doubling it to an estimated 9.4% contraction region-wide for 2020. The health, political, and economic impacts will be severe with incredible consequences for migration, political stability, poverty, corruption, and civil liberties. Our geographic proximity will demand that our public health approach be in sync with our neighbors', and so too will our economic recovery require coordination with theirs. How will you work with countries in the region to coordinate a public health approach?

Answer. The U.S. Department of State and the U.S. Agency for International Development (USAID) have provided nearly \$120 million in supplemental and humanitarian-assistance funds to support the response to COVID-19 in Latin America and the Caribbean. If confirmed, I will continue to work with and support the U.S. Government's efforts to share and coordinate best practices with both governments and civil society to manage all aspects of the pandemic, including to control infections in health facilities, improve patient care, and undertake sound public-health measures, along with support through technical assistance, medical equipment, health supplies, and funding.

Question. Various estimates point to the calamitous effect of COVID-19 in Latin America. These are focused primarily on the economic and social consequences. What social and economic consequences to expect in Latin America and the Caribbean as a result of the COVID-19 pandemic?

Answer. The economic and social consequences of COVID-19 in Latin America have been severe. Latin America and the Caribbean are seeing the region's worst recession on record, with an economic contraction nearly twice the world average. The World Bank and IMF estimate the region's economies will shrink by 7.2 to 9.8 percent in 2020, the region's worst recession on record and nearly double the forecasted 4.9 percent global contraction. The IMF and World Bank predict a modest recovery in Latin America and the Caribbean in 2021, but this recovery may be marred by debt crises, and pension system shortfalls. If confirmed, I will work with our partners in the region to confront this crisis.

Question. Please describe in detail the nature of the programs that you think need to be put in place to strengthen United States leadership during the COVID-19 pandemic and post-pandemic reconstruction period, and ensure that non-hemispheric actors, such as the People's Republic of China, are not seen as a partner of choice.

Answer. If confirmed, I will support the Department's multi-pronged strategy for countering the malign aspects of China's engagement and ensuring the United States remains the preferred partner for the region. I will work with U.S. agencies and the private sector to provide alternatives to unfair and opaque economic practices and will promote solutions rooted in transparency and the rule of law, such as those offered by the U.S. International Development Finance Corporation and the Growth in the Americas/America Crece initiative. I will also discourage partners from adopting digital infrastructure solutions involving untrusted vendors such as Huawei.

Question. Due to the COVID-19 pandemic, there likely will be political consequences as a result of the projected economic downturn in the region. Additionally, as a result of the increase in poverty levels and reduction of foreign direct investment, can you please outline the main areas of political concerns of the Trump administration in the region and your plans to address these concerns in order to avoid extreme swings that might endanger democracy or deepen economic pain?

Answer. Even after the region addresses the immediate challenge of confronting the COVID-19 pandemic, the economic recovery will be long and fraught with political and social challenges. I believe strongly that governments that maintain a strong commitment to democracy, human rights, and an open, transparent conversa-

tion with the public will overcome the challenges. And those who depart from the hemisphere's tradition of democracy will face the consequences as we have seen in Cuba, Venezuela, and Nicaragua.

If confirmed, I will continue to support U.S. efforts at international financial institutions to promote a speedy economic recovery and manage the political and social risks in the process.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED
TO HON. CARLOS TRUJILLO BY SENATOR BENJAMIN L. CARDIN

Question. What are your most meaningful achievements to date in your career to promote human rights and democracy? What has been the impact of your actions?

Answer. I am proud of all my work defending democracy and human rights throughout the Americas, especially while serving in my capacity as Permanent Representative at the OAS.

I am particularly pleased with our efforts to restore and revitalize the OAS' leadership role in the promotion and defense of democracy and human rights, and standing up for the core values it is meant to uphold. I have supported and attended civil society forums throughout the Americas over the last two years, including those organized and sponsored by our Mission to the OAS, as well as human rights hearings and forums at the IACHR, at the Summit of the Americas, and at OAS General Assemblies.

I am also proud of my work as Chairman of the OAS LGBTI core group, which was recognized for its efforts during my chairmanship by the Human Rights Campaign (HRC). I am particularly proud of my human rights work in Nicaragua. In May of 2018, shortly after the Nicaraguan uprising, I traveled to Nicaragua and met with the victims of the Ortega regime.

I also met and supported victims of the Ortega regime in Washington, and in El Salvador during the visit of the Special OAS High Commission on Nicaragua, which was organized and led by the U.S. Mission. In addition to sponsoring various OAS Special Permanent Council sessions, the U.S. Mission has sponsored, drafted, and passed multiple resolutions regarding human rights abuses and the humanitarian situations in Venezuela and Nicaragua. I have also attended hearings at the IACHR regarding human rights abuses by the Ortega regime, including during sessions held in Colorado, and supported Nicaraguan civil society at the United Nations Security Council. The United Nations Security Council meeting was made possible due to our Mission's support for the IACHR's investigatory work in Nicaragua, as well as multiple U.S.-supported resolutions condemning the violations of human rights in Nicaragua invoking Article 54 of the United Nations' Charter and the OAS' Inter-American Democratic Charter.

The United States strongly supports the Inter-American Commission on Human Rights (IACHR), including through financial support. The IACHR is an important part of the Inter-American system for the promotion and protection of human rights, and contributes to broader OAS efforts related to democratic governance. If confirmed, I pledge to continue United States engagement with the IACHR, including on matters related to the United States. I recognize the utility of the U.S. presence in IACHR hearings, and the Commission has similarly acknowledged the importance of U.S. viewpoints relative to its work in the region.

Question. What are the most pressing human rights issues in the Western Hemisphere? What are potential obstacles to addressing those issues?

Answer. The persistence of authoritarian regimes in Cuba, Venezuela, and Nicaragua is the source of the most glaring human rights issues in the Western Hemisphere, including reports of extrajudicial killings, disappearances, torture, political prisoners, lack of respect for the right to peaceful assembly and freedom of expression, including for members of the press, and a lack of genuinely free and fair elections. Elsewhere in the Hemisphere, there are threats and violence against journalists that go unpunished, undermining freedom of the press; threats to freedom of assembly and association as human rights defenders, civil society and indigenous community leaders are killed in retaliatory attacks that too often go unpunished; direct limits to press freedom in some cases; unlawful killings and reports of torture by security forces in some countries; weak institutions and rampant corruption, including in the judiciary, which encourages impunity.

A lack of political will to address the problems is a significant obstacle to addressing the issues. In some countries, civil society is relatively underdeveloped or is actively threatened by governments or criminal groups.

Question. How will you ensure that the U.S. becomes more involved in protecting human rights defenders and strengthening the mechanisms that prosecute those who threaten them?

Answer. If confirmed, I will ensure that our embassies are aware that the Bureau of Democracy, Human Rights and Labor's global rapid response and emergency assistance mechanisms are available tools to support human rights defenders or members of civil society in real-time, who are under threat or attack for their work. If confirmed, I will also ensure that my bureau and our embassies engage host governments on the importance of protecting human rights defenders, and of strengthening impartial justice systems in order to prosecute those responsible for attacks.

Question. If confirmed, how would the Bureau of Western Hemisphere Affairs under your leadership work with the Colombian Government to ensure the protection of human rights defenders?

Answer. If confirmed, I would engage with the Colombian Government and its National Protection Unit to work to ensure that these crucial individuals are being provided the best possible protection in the immediate turn. Of equal importance, if confirmed, I will engage with the Colombian Government and civil society to support and encourage Colombia's efforts to investigate and prosecute those responsible for attacks on human rights defenders, and to deter future violence against them. Colombia's challenge is to establish state presence to provide security services, education, infrastructure, local governance, and victims' assistance to deny criminal groups a foothold. U.S. foreign assistance, as well as law enforcement, military, intelligence, and judicial cooperation will all continue to play a role in this effort.

Question. How would you define human rights? Are there any rights frequently referred to as "human rights" that you believe should not be priorities for U.S. international engagement?

Answer. The Universal Declaration of Human Rights lays out the human rights that are priorities for U.S. international engagement.

Question. Last year, in a meeting with LGBTI rights advocates, you reportedly used air quotes whenever you referred to "human rights." If this occurred, what were those air quotes meant to signify? Do you believe that issues impacting LGBTI populations are human rights issues?

Answer. I do not recall ever using air quotes when referring to human rights. I have also checked with members of my staff which handle the relevant policy portfolios and would have been present at said meeting with the Equal Rights Coalition, and they do not recall me using air quotes. I believe issues impacting LGBTI persons' rights are human rights issues and should be recognized and addressed as such. Throughout my tenure at the OAS, I have worked to promote equality under the law, inalienable rights, and an environment that is free from discrimination and violence for the LGBTI community. This has been represented by continued U.S. engagement in the OAS LGBTI Core Group, and our co-sponsorship of the annual OAS General Assembly text on LGBTI rights.

Question. Research from private industry demonstrates that, when managed well, diversity makes business teams better both in terms of creativity and in terms of productivity. What will you do to promote, mentor, and support your staff that come from diverse backgrounds and underrepresented groups?

Answer. If confirmed, I will support and promote the efforts the Department is currently undertaking to foster a culture of inclusion and representative workforce. I will encourage promoting Diversity and Inclusion in the hiring process through standardized interview procedures. I will promote the expansion of workplace flexibilities, including telework and alternative work schedules, and Leave Without Pay (LWOP) options, similar to "boomerang talent" programs in the private sector. I will learn from and listen to employees using mechanisms like the Open Conversations platform and the Department's new Centralized exit survey. I will promote and encourage all employees to take the Mitigating Unconscious Bias course.

Question. What steps will you take to ensure each of the supervisors under your direction at the State Department are fostering an environment that is diverse and inclusive?

Answer. If confirmed, I will support and promote the efforts the Department is currently undertaking to ensure leaders under my direction are fostering a culture and environment of inclusion. I will promote habits and practices among the leadership that focus on inclusion as a key driver for retaining diverse talent. I will promote Diversity and Inclusion Best Practices and tips for inclusive hiring practices and standardized interview guidance. I will support the review of existing men-

toring programs and how they can be bolstered. I will support the requirement of all hiring managers to take the Mitigating Unconscious Bias course.

Question. Do you commit to bring to the committee's attention (and the State Department Inspector General) any change in policy or U.S. actions that you suspect may be influenced by any of the President's business or financial interests, or the business or financial interests of any senior White House staff?

Answer. If confirmed, I commit to comply with all relevant federal ethics laws, regulations, and rules, and to raise concerns that I may have through appropriate channels.

Question. Do you commit to inform the committee if you have any reason to suspect that a foreign government, head of state, or foreign-controlled entity is taking any action in order to benefit any of the President's business or financial interests, or the interests of senior White House staff?

Answer. If confirmed, I commit to comply with all relevant federal ethics laws, regulations, and rules, and to raise concerns that I may have through appropriate channels.

Question. Do you or do any members of your immediate family have financial interests in any country in the Western Hemisphere?

Answer. My investment portfolio includes diversified mutual funds, including a foreign stock index fund, which may hold interests in companies with a presence overseas, but which are exempt from the conflict of interest laws. Additionally, aside from my financials interest in the United States, my father has financial interests in Mexico and Argentina. My father owns four condominiums in Mexico and one condominium in Argentina. These properties are used as vacation rentals. I am committed following all applicable ethics laws and regulations and remaining vigilant with regard to my ethics obligations.

Question. In your view, how much should domestic immigration priorities influence the State Department's approach to Latin America?

Answer. In my view, bilateral and regional migration cooperation play an important role in U.S. foreign policy in the Western Hemisphere, as it impacts both our mutual security and prosperity. As such, domestic immigration priorities should play a role in influencing the Department's approach to the region. And I would note our approach to the region in terms of promoting democracy, respect for human rights, and the rule of law, economic prosperity and opportunity, and security all influence our domestic immigration situation.

Question. How do you plan to build trust and foster cooperation with Mexico and Central America in light of harsh U.S. immigration policies and the deportation of migrants with coronavirus?

Answer. The United States has strong ties and cooperation with Mexico and Central America on a wide range of issues, including migration cooperation. If confirmed, I would continue to strengthen our partnerships to foster enhanced cooperation in the region.

Question. The U.S. signed Asylum Cooperative Agreements with Northern Triangle countries to accept migrants for the United States, despite these countries' lack of capacity to process asylum seekers or to keep them safe. Is the Department tracking outcomes for these migrants?

Answer. Implementation of the U.S.-Guatemala Asylum Cooperative Agreement (ACA) has been paused since mid-March due to the COVID-19 pandemic. Likewise, implementation of the U.S.-Honduras ACA has yet to begin due to COVID-19. The El Salvador ACA has not yet entered into force. From the time the Guatemala ACA entered into force on November 15, 2019, until transfers were paused in mid-March, the Department of Homeland Security transferred 948 Salvadoran and Honduran nationals to Guatemala. The Department is tracking outcomes through our international organization partners for those who have applied for asylum and those who have requested assisted voluntary return.

Question. How many migrants have been killed or assaulted after being deported from the U.S.?

Answer. The Department of Homeland Security deports hundreds of thousands of individuals to their home countries every year. The Department does not track individual cases. USAID, through the International Organization for Migration (IOM), assists El Salvador, Guatemala, and Honduras with safe reception and reintegration of nationals returned to these countries.

Question. How can we expect countries that are unable to care for their own citizens to provide economic and physical security for asylum seekers?

Answer. El Salvador, Guatemala, and Honduras committed to strengthening their asylum systems based on their commitments under the Comprehensive Refugee Response Framework (MIRPS). Each government also developed a national action plan under the Comprehensive Refugee Response Framework. The Department also continues to provide assistance to improve economic, security, and governance conditions. Under U.S. law, before an Asylum Cooperative Agreement can enter into force, the Department of Homeland Security (DHS) and the Department of Justice (DOJ) must determine that individuals transferred from the United States will have access to full and fair asylum procedures or equivalent temporary protection in the receiving country. Prior to transfer, DHS and DOJ must also determine that the individual's life or freedom would not be threatened in the receiving country on account of race, religion, nationality, membership in a particular social group, or political opinion. I understand DHS and DOJ have made these determinations for Guatemala and Honduras.

Question. If conditions in their home countries have not changed and migrants are sent back to the region from which they fled, what makes the Department think that they will not leave to seek asylum in the U.S. again?

Answer. The Asylum Cooperative Agreements allow the United States to transfer individuals who express an intent or interest in seeking protection in the United States to a partner country where DHS and DOJ have determined they will have the opportunity to file a protection claim with that government.

Question. If confirmed, how do you plan to work with Northern Triangle countries to improve protections for returned migrants?

Answer. As a cooperating country to the Comprehensive Refugee Response Framework (MIRPS), the United States provides humanitarian aid and capacity building support through our international organization partners in El Salvador, Guatemala, and Honduras. Although independent of the agreements themselves, this assistance is complementary to the Asylum Cooperative Agreements (ACAs) and supports the strategic objectives of this regional framework and the goals of these member countries. This assistance supports asylum capacity and enhancing protection resources available in these countries to asylum seekers, refugees, and other vulnerable migrants, including ACA transferees who request protection or wish to return to their home countries.

Question. Since the mandate of the UN-back International Commission against Impunity in Guatemala (CICIG) was not renewed, there has been increasing impunity and corruption in the country's judicial system. What role, if any, should the U.S. play in ensuring judges are selected and appointed fairly in Guatemala?

Answer. The Department has strongly supported the rule of law in Guatemala. A key element to any rule of law-based system is promotion of an impartial and independent judiciary, chosen through an open and transparent selection process. If confirmed, I will remain actively engaged on this issue, through public messaging and directly with Guatemalan interlocutors, as well as through support for our programs which help to strengthen Guatemala's institutions, including Guatemala's independent judiciary. If confirmed, I would also offer continued support for efforts to improve transparency in Guatemala's judicial selection process and encourage the merit-based appointment of qualified judges who demonstrate the integrity needed to uphold the rule of law.

Question. What role do you believe the State Department can play in strengthening the rule of law in Guatemala, and in the region more broadly?

Answer. If confirmed, I will work with the Department and our U.S. Embassy to continue supporting the rule of law in Guatemala, including through our programs, which help to strengthen Guatemala's institutions. I will commit to remain actively engaged with Guatemalan Government and civil society interlocutors on these issues, and to publicly express support for judicial independence and the rule of law, including the importance of respect for Guatemala's constitution. I will also ensure the Department continues its efforts to support the rule of law throughout the region.

Question. Private sector involvement and contributions have been instrumental for increasing governments' health response capacity across the region. As the economic impact of the pandemic continues to worsen, in what ways can the State Department support the private sector in the Western Hemisphere in order to ensure

their capabilities and resources remain available to support post-COVID economic recovery?

Answer. If confirmed, I will continue the Department's advocacy for a robust private sector role in the economic recovery from COVID-19, and that includes building on our efforts to keep open and to strengthen the supply chains so essential recovery. I will promote the U.S. Government's Growth in the Americas or América Crece initiative that helps spur growth across our hemisphere by promoting private investment, American investment, in energy and other infrastructure. The U.S. International Development Finance Corporation (DFC) plays an essential role in that effort, and plans to leverage at least \$12 billion in private investment in the region, with a particular focus on health sector investments through the Health and Prosperity Initiative it announced in May.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO HON. CARLOS TRUJILLO BY SENATOR JEANNE SHAHEEN

Question. As the United States' Permanent Representative to the Organization of American States (OAS), did Secretary Pompeo consult with you before reducing funding to the OAS by invoking the Siljander amendment? If yes, can you explain the administration's legal justification for using the Siljander amendment in this context? If no, do you agree with the Secretary's decision to reduce funding for the Organization of American States based on his interpretation of the Siljander Amendment? Given your legal background, would you not agree that the administration's actions to force countries at the United Nations to accept the administration's position to limit women's access to health care and to not even utter the term "reproductive health" in international agreements and resolutions are also in violation of the Siljander amendment?

Answer. The State Department is committed to ensuring that OAS activities implemented with U.S. funds are consistent with U.S. law, including the Siljander Amendment. With this in mind, and in light of U.S. concerns regarding certain Inter-American Commission on Human Rights (IACHR) activities related to abortion, Secretary Pompeo announced on March 26, 2019, following consultations with me and other senior officials, that the Department would include a provision in foreign assistance agreements with the OAS that explicitly prohibits the use of funds to lobby for or against abortion. To ensure this message was heard by the OAS, the Secretary announced the Department's reduction of the FY 2019 U.S. assessed contribution to the OAS by an amount equivalent to the U.S. proportional share of possible OAS costs associated with the abortion-related activities.

Question. Could you describe the prospects for success of that framework considering that after three years of the administration's policy on Venezuela, Nicolas Maduro is still in power and that country is experiencing one of the worst humanitarian crises in the world? In your opinion, what more can be done to bring about a peaceful transition of power in Venezuela?

Answer. Venezuela's multifaceted crisis, compounded by the COVID-19 pandemic, is increasingly dire. Many in the illegitimate Maduro regime are beginning to realize they need to take advantage of the off-ramps offered before things get worse for them. If confirmed, I will continue our robust support of Venezuela's democratic actors as they seek to restore democracy to Venezuela. As I have at the OAS, I will support means by which the international community and Venezuelan actors can pressure Maduro to leave power and allow a broadly acceptable transition government to organize free and fair presidential and parliamentary elections as outlined in our Democratic Transition Framework.

Question. Mr. Trujillo, have you been briefed on Turkey's illicit activities with the Maduro regime?

Answer. I have been briefed on Turkey's relationship with the illegitimate Maduro regime and the sanctions actions the administration has taken in response.

Question. Given the numerous actions the Department has taken against Venezuela and Russia, Cuba and Iran in connection to such illicit activities, does the one sanction related to Turkey suffice? Are there plans to further disrupt the corrupt Venezuela -Turkey links through the use of sanctions and other potential actions? What do you think should be done?

Answer. The State Department, working with our interagency partners, has taken strong steps against the illegitimate Maduro regime, particularly on the regime's

ability to trade gold. As we see evidence of inappropriate international links continuing, if confirmed, I will continue to work with our interagency partners to develop responses to break these links.

Question. If confirmed, will you push for Turkey's illicit activities in Venezuela to be addressed? How do you plan to do so?

Answer. If confirmed, I will continue to work with my State Department colleagues to engage diplomatically with Turkey on halting its inappropriate activities with Venezuela.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO HON. CARLOS TRUJILLO BY SENATOR TIM KAINÉ

Question. U.S. companies operating in the region continue to report unjustified delays or denials of tax refunds to which they are lawfully entitled. In some cases, such as El Salvador, progress has been made due in large part to the adoption of legislation clarifying that over-collected taxes can be applied as tax credits to other taxes. Other countries are now beginning to consider legislative proposals to the same effect. It is imperative governments in the region treat U.S. entities and affiliates operating in these countries in a fair and transparent manner, especially U.S. companies who are providing essential services during the COVID-19 pandemic. What will you do to encourage the Northern Triangle governments to promote a culture of tax compliance among their citizens and businesses, and what steps will you take to ensure that these governments 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?

Answer. A critical part of the Department of State's mission is the promotion of free and fair investment policies in support of U.S. jobs, economic growth, and prosperity. No U.S. company operating overseas should face delays or denials of tax refunds or other benefits to which they are lawfully entitled. If confirmed, I will work to ensure that all governments in the region treat U.S. companies fairly. If confirmed, I will also work to encourage tax compliance and an attractive investment climate, working with the DFC.

Question. U.S. companies operating in the region continue to report unjustified delays or denials of tax refunds to which they are lawfully entitled. In some cases, such as El Salvador, progress has been made due in large part to the adoption of legislation clarifying that over-collected taxes can be applied as tax credits to other taxes. Other countries are now beginning to consider legislative proposals to the same effect. It is imperative governments in the region treat U.S. entities and affiliates operating in these countries in a fair and transparent manner, especially U.S. companies who are providing essential services during the COVID-19 pandemic. Will you commit to working with U.S. embassies in the Caribbean and Central America, as well as U.S. companies operating in the region, to advocate for legislation that helps to promote a secure, fair, efficient, and consistent process of law for U.S. businesses?

Answer. If confirmed, I commit to working with U.S. embassies and U.S. companies to promote a secure, fair, efficient, and consistent environment for U.S. businesses.

Question. In accordance with appropriations laws from 2016 to the present, aid to Honduras is conditioned on the State Department certifying (among other things) that Honduras has taken reasonable steps towards resolving commercial disputes with U.S. citizens, including property claims such as expropriations. One of my constituents, Oscar Cerna, states that his long-standing claim against Honduras (regarding the taking of his CEMAR cement plant) remains unresolved. We understand there are several other U.S. citizens with outstanding claims.

- Will you commit to the enforcement of our appropriations laws regarding these U.S. citizens and to the prompt resolution of their outstanding claims and if confirmed, to having State Department staff provide my office an update on Oscar Cerna's case?

Answer. I appreciate and share your commitment to support U.S. investor and property interests in Honduras. I understand the Department has urged the Honduran Government at the highest levels to resolve outstanding disputes. Consistent with policy and principles of international law, we advocate for a fair, transparent, and expeditious resolution. The Department will continue to assist in resolution of

outstanding U.S. citizen claims. If confirmed, I will work with the Department to continue to track the status of Oscar Cerna's case and will provide your office an update.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO HON. CARLOS TRUJILLO BY SENATOR JEFF MERKLEY

Question. The United Nations has sounded the alarm on the “staggering number” of killings of human rights defenders since the 2016 peace agreement was signed, noting a “vicious and endemic cycle of violence and impunity.” If confirmed, what will you do to ensure that this issue is addressed and that the Colombian Government adheres to its commitments to investigate and prosecute those responsible?

Answer. I share your concern over these killings, and I believe that protecting Colombia's social leaders and strengthening rule of law institutions are essential to the achievement of a just and lasting peace. If confirmed, I will engage with the Colombian Government and civil society to support and encourage Colombia's efforts to investigate and prosecute those responsible for these killings, and to deter future violence. Colombia's challenge is to establish state presence to provide security services, education, infrastructure, local governance, and victims' assistance to deny criminal groups a foothold. U.S. foreign assistance, as well as law enforcement, military, intelligence, and judicial cooperation will all continue to play a role in this effort.

Question. If confirmed, would you raise concerns about the feasibility of implementing Safe Third Country Agreements, also known as Asylum Cooperative Agreements, with Guatemala, El Salvador, and Honduras, given these countries' lack of capacity to process asylum claims and protect asylum seekers' safety?

Answer. If confirmed, as appropriate, I would discuss bilateral opportunities and challenges with our partners in El Salvador, Guatemala, and Honduras, including any implementation challenges related to the Asylum Cooperative Agreements.

Question. If confirmed, would you seek to ensure that sanctions against the Maduro regime do not exacerbate the collapse of Venezuela's economy and health system in the midst of the COVID-19 pandemic?

Answer. The economic crisis in Venezuela has been driven by the corruption, failed policies, and complete incompetence of Maduro since he came to power in 2013. Maduro has plundered the country's natural resources, and driven a once prosperous nation into economic ruin with an authoritarian rule and socialist economic policies, all while enriching himself, his family, and his closest supporters. U.S. sanctions on Maduro and his cronies have been targeted and designed to ensure the flow of humanitarian goods and services to the Venezuelan people.

Question. President Trump has indicated on multiple occasions that the United States has a potential “military solution” to Venezuela's political crisis. What goals would a military solution accomplish in Venezuela, and do you believe that a military solution is the most effective strategy for achieving U.S. foreign policy objectives in the country?

Answer. There has already been a military intervention in Venezuela—by the Cubans and by the Russians, who are there at the behest of an illegitimate Maduro with dictatorship goals. The United States remains resolute in supporting a peaceful transition to democracy and freedom in Venezuela. However, the Trump administration has made clear the United States will use every appropriate tool to end Maduro's hold on Venezuela, support the Venezuelan people's access to humanitarian assistance, and ensure a democratic transition in Venezuela. At the State Department, we are focused on deploying all of our diplomatic and economic options to support Interim President Guaido and the National Assembly in a peaceful transition to democracy and freedom in Venezuela.

Question. Since the Trump administration began reasserting strict controls over U.S. travel and trade to Cuba, most recently adding a Cuban subsidiary that processes remittances to the administration's list of restricted Cuban entities, the Cuban Communist Party has backpedaled on the country's short-lived economic and political liberalization that accompanied President Obama's temporary détente in U.S.-Cuban relations, including by passing a new constitution that consolidated the continuation of one-party rule, adopting measures to limit freedom of speech and expression online, and imposing new restrictions on private enterprise. Do you believe

strengthening and continuing the U.S. embargo supports the ostensible U.S. foreign policy goals of improving the lives and rights of the Cuban people and fostering Cuba's liberalization, and if so, on what grounds?

Answer. The Cuban regime's prime goal is maintaining Communist Party control. U.S. policy toward Cuba is articulated in NSPM-5, which describes our aims to support the Cuban people while holding the Cuban regime accountable for its human rights violations and abuses at home, as well as its destabilizing interference elsewhere in the region. This entails applying economic pressure on the Cuban regime as a means to restrict the regime's ability to repress its people and support the illegitimate regime of President Maduro in Venezuela. At the same time, in keeping with NSPM-5, we also seek to promote policies that will advance the lives and livelihoods of individual Cubans.

Question. In your estimation, does the U.S. embargo on Cuba fuel the Cuban Government's narrative blaming the United States for the country's economic despair?

Answer. The Cuban regime has mismanaged Cuba's economy for decades and proven itself unable to address the Cuban people's most basic needs. It is that mismanagement, not U.S. sanctions, which is responsible for Cuba's economic despair. The U.S. embargo is consistent with our policy to end economic practices that disproportionately benefit the Cuban Government or its military, intelligence, or security agencies or personnel at the expense of the Cuban people.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO HON. CARLOS TRUJILLO BY SENATOR CORY A. BOOKER

Question. The U.S.-Mexico Joint Declaration agreed in June 2019 included the United States' commitment "to accelerate adjudication of asylum claims," yet the "Remain in Mexico" policy has forced over 60,000 asylum seekers to wait in dangerous Mexican border regions, and the effective closure of our southern border to refugees and asylum seekers in the name of COVID-19 has resulted in the expulsion of over 40,000 asylum seekers from the United States into Mexico.

These asylum seekers include Central Americans fleeing targeted killings and torture, as well as Cubans, Nicaraguans, Venezuelans, and others seeking protection in the United States. Yet they are pushed back by U.S. officials to areas of Mexico where the coronavirus is surging and they face alarming levels of criminal violence, such as murder, kidnapping and rape. Human Rights First has documented at least 1,114 publicly reported cases of murder, rape, torture, kidnapping, and other violent assaults against asylum seekers and migrants forced to return to Mexico by the Trump administration.

- If confirmed, how will you ensure the protection and health of refugees, asylum seekers and vulnerable migrants in Mexico as a result of U.S. policies?

Answer. The Department works closely with Mexico and international partners to promote access to protection and support for refugees, asylum seekers, and other vulnerable migrants. The Department funds international partners to help Mexico enhance its asylum capacity, support protection efforts, assist shelter efforts, and provide assisted voluntary returns to migrants who wish to return to their home countries. If confirmed, I would urge Mexico to continue assisting returned migrants and support sustained Department funding to support refugees, asylum seekers, and other vulnerable migrants in Mexico.

Question. How will you work with Mexican authorities and DHS to ensure refugees and asylum seekers are protected against these heinous crimes?

Answer. As a part of the June 2019 U.S.-Mexico Joint Declaration, Mexico committed to offer jobs, healthcare, and education to migrants returned to Mexico pursuant to the Migrant Protection Protocols (MPP). Mexico has also established shelters for MPP returnees, where it provides medical care, food, and other services, and is working with employers to facilitate access to jobs. If confirmed, I would collaborate with the Department of Homeland Security to work to ensure Mexico continues to support returned migrants.

**Material Received by the
Committee Relating to the
Nominations and Other Issues**

Correspondence Regarding the Nomination of Hon. Marshall Billingslea, Nominated to be Under Secretary of State for Civilian Security, Democracy and Human Rights

LETTER OF APRIL 26, 2019—HON. ROBERT MENENDEZ
TO HON. PATRICK M. SHANAHAN

JAMES E. RISH, IDAHO, CHAIRMAN
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EDWARD J. MARKEY, MASSACHUSETTS
JEFF MERKLEY, OREGON
CORY A. BOOKER, NEW JERSEY

United States Senate
COMMITTEE ON FOREIGN RELATIONS
WASHINGTON, DC 20510-6225

April 26, 2019

The Honorable Patrick M. Shanahan
Acting Secretary of Defense
U.S. Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301

Dear Acting Secretary Shanahan:

I write to you concerning the nomination of Marshall Billingslea to be Under Secretary of State for Civilian Security, Democracy and Human Rights, which is pending before the Senate Foreign Relations Committee. Previously, Mr. Billingslea served in the Pentagon as Principal Deputy Assistant Secretary for Special Operations/Low Intensity Conflict from 2002-2003.

An understanding of Mr. Billingslea's role on detainee policy during that period is critical to the Committee's consideration of his nomination given that, if confirmed, he will be the senior State Department official responsible for human rights. Shortly after Mr. Billingslea was nominated for the Under Secretary position, my staff requested that the Department of Defense provide all memos that Mr. Billingslea authored or approved regarding general detainee or interrogation policy, or the interrogation of individual detainees. My staff also requested to review portions of the Church Report on detainee interrogation and incarceration.¹

On November 19, 2018, the State Department responded to this request by informing Committee staff that DOD had identified 12 memos responsive to their request, adding that "[s]ome of the memos refer to attachments but DOD has been unable to locate the referenced attachments given the age of the records." Two days later, my staff asked the State Department to "ask DOD to advise on the process that they used to search for the 'missing' attachments" and also "request[ed] that the effort to locate those attachments be renewed and redoubled so that the memos can be reviewed in their full context." As far as I am aware, this request has not been satisfied. On November 28, former Committee Chairman Corker wrote a letter (attached) to Secretary Mattis requesting that DOD provide the identified memos, in classified form, and the Church Report "in its entirety, as it has been provided to the Senate Armed Services Committee."

Based on my staff's review of the documents that DOD has made available to the Committee, it does not appear that these requests have been fully honored. First, at least one of the memos was missing at least one page, and was provided to the Committee in declassified form, with

¹ *Review of Department of Defense Detention Operations and Detainee Interrogation Techniques*, also known as the "Church Report," (March 7, 2005).

significant redactions.² Second, DOD did not produce a key classified annex that accompanied the Church Report which was provided to the Senate Armed Services Committee.³ Finally, a number of the memos referenced other documents that were not provided for review.

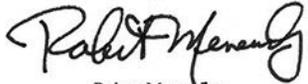
The documents that have not been provided to date are potentially directly relevant to a complete understanding of Mr. Billingslea's role regarding detainee interrogation policy at a critical time. I therefore am renewing the request for DOD to produce the entire Church Report and to execute a search of its records that is designed to recover the "missing" documents in their original form. It is deeply disturbing that documents from the last decade—and on a complex and highly controversial national security matter no less—could somehow disappear.

If DOD is unable to find the "missing" documents, I request a written statement from the DOD official responsible for compliance with the Federal Records Act which contains the following:

1. A certification that DOD has exhausted all means available to the Department and has nonetheless been unable to locate the "missing" documents;
2. A detailed description of the search process that DOD undertook to produce the original 12 memos and to attempt to find the referenced "missing" documents; and
3. Whether DOD is aware of any other DOD records relating to detainee or interrogation policy from the same time period that are also "missing."

I look forward to your response no later than May 13, 2019

Sincerely,



Robert Menendez
Ranking Member

² The memo is "Detainees at GTMO," Oct. 11, 2002. The missing page is evident from a publicly available, declassified version.

³ See U.S. Senate Committee on Armed Services, *Inquiry into the Treatment of Detainees in U.S. Custody* at 148 n. 1150 (Nov. 20, 2008) (referencing a separate, classified annex that discussed [Special Mission Unit] interrogation practices in both Afghanistan and Iraq).

LETTER FROM SENATOR MENENDEZ TO SECRETARY OF DEFENSE
MARK T. ESPER REGARDING MARSHALL BILLINGSLEA'S TESTIMONY
BEFORE THE COMMITTEE ON 19 SEPTEMBER 2019

JAMES E. RISK, IDAHO, CHAIRMAN

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JOE PORTMAN, OHIO	EDWARD J. MARKEY, MASSACHUSETTS
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TODD YOUNG, INDIANA	CORY A. BOOKER, NEW JERSEY
TED CRUZ, TEXAS	

United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

October 10, 2019

The Honorable Mark T. Esper
Secretary of Defense
U.S. Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301

Dear Secretary Esper:

The U.S. Senate Committee on Foreign Relations is currently considering the nomination of Marshall Billingslea for Under Secretary of State for Civilian Security, Democracy, and Human Rights, the top human rights position in the U.S. government. As you may know, Mr. Billingslea served as Principal Deputy Assistant Secretary of Defense for Special Operations/Low Intensity Conflict (SO/LIC) from 2002 to 2003, where he had a significant role in the development and implementation of detainee and interrogation policy.

At his nomination hearing on September 19, 2019, Mr. Billingslea—whether intentionally or not—appears to have misrepresented his role in the development and implementation of detainee and interrogation policies. Members of the Committee were unable to fully address these apparent misrepresentations because many of the underlying records related to Mr. Billingslea's role in Bush-era torture policies remain classified and therefore could not be discussed at a public hearing. Given that these materials are almost two decades old—and that more sunlight, not less, is critical when it comes to this regretful episode in our nation's history—I urge you to declassify all records related to Mr. Billingslea and detainee or interrogation policy.

Further, as part of the process of vetting Mr. Billingslea's nomination, Committee staff and I requested that DOD provide all memoranda that Mr. Billingslea authored or approved on detainee or interrogation policy. We first made this request almost a year ago, but DOD has yet to comply in a serious or reasonable manner.

From the outset, DOD has maintained that certain documents responsive to this request were "missing," but the Department has refused to provide any details. The Department has not informed the Committee how many documents are "missing," or the titles of those documents. Similarly, it has refused to provide any meaningful details on how it searched for the "missing" documents and instead has relied on wholly unsupported platitudes about the "comprehensive" nature of its search. As a result, the Committee has no basis to assess whether there was, in fact, a good-faith search.

As it turns out, however, the "missing" documents are not the only problem. At a meeting with Committee staff and at his nomination hearing, Mr. Billingslea indicated that there should be

additional memoranda relevant to his involvement with detainee or interrogation policies, yet DOD has never produced those records to the Committee or even acknowledged their existence.

For example, Mr. Billingslea said that he approved multiple memoranda proposing interrogation plans for individual detainees, yet DOD provided the Committee with only one such memo—a document that the Committee was aware of beforehand and specifically requested. Further, at his nomination hearing, Mr. Billingslea said that he attempted “to document human rights abuses that [were] being alleged by these detainees [at GTMO].” DOD did not provide the Committee with any such memoranda. In addition, Mr. Billingslea told the Committee that “there had been a death in one of these facilities and I escalated that issue personally to the Special Operations Combatant Commander and asked in effect, ‘what is going on here?’” Again, DOD did not provide the Committee with any such memoranda.

Therefore, in addition to my request that DOD declassify all records related to Mr. Billingslea and torture, I also request that DOD renew the search of its records and finally produce to the Committee all memoranda that Mr. Billingslea authored or approved on detainee or interrogation policy. I also renew my request, made to then Acting Secretary Shanahan in a letter dated April 24, 2019, for the following items related to the “missing” documents:

1. A certification that DOD has exhausted all means available to the Department and has nonetheless been unable to locate the “missing” documents;
2. A detailed description of the search process that DOD undertook to produce the original 12 memos and to attempt to find the referenced “missing” documents; and
3. Whether DOD is aware of any other DOD records relating to detainee or interrogation policy from the same time period that are also “missing.”

This matter is critical to both the Billingslea nomination and to ensuring an accurate historical record. As such, I appreciate your prompt attention and response.

Sincerely,



Robert Menendez
Ranking Member

LETTER FROM SENATOR MENENDEZ TO SECRETARY POMPEO DETAIL-
ING OUTSTANDING REQUESTS REGARDING U.S. FOREIGN POLICY

JAMES E. RISCH, IDAHO, CHAIRMAN
 MARCO RUBIO, FLORIDA
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 MITT ROMNEY, UTAH
 LINDSEY GRAHAM, SOUTH CAROLINA
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 CHRISTOPHER MURPHY, CONNECTICUT
 TIM KANE, VIRGINIA
 EDWARDS J. MARKEY, MASSACHUSETTS
 JEFF MERKLEY, OREGON
 CORY A. BOOKER, NEW JERSEY

United States Senate
 COMMITTEE ON FOREIGN RELATIONS
 WASHINGTON, DC 20510-6225

June 4, 2020

The Honorable Mike Pompeo
 Secretary of State
 U.S. Department of State
 2201 C Street, N.W.
 Washington, D.C. 20520

Secretary Pompeo,

In your May 28 letter to me you “implore[d] [me] and [my] staff to confront foreign policy issues of concern and interest to [me] and [my] constituents on an intellectual level and on the merits.” Thank you for this invitation; as you well know, I have been seeking to do exactly that for the duration of your tenure.

Indeed, for months, I have asked, repeatedly, questions about some of the most serious foreign policy and national security issues facing our nation and the world. I have asked those questions of you personally, of senior officials at the Department, and through my staff to various appropriate officials in the Administration. Despite the pressing nature of some of these concerns—including the Administration’s early response to COVID-19; the basis for withdrawing funding to the WHO; the ongoing commitment to global health priorities; the deporting of individuals from our country with COVID-19; the justification for additional arms sales to Saudi Arabia; the grounds for dismissing an independent Inspector General; details about agreements with third countries on asylees and refugees—my requests for substantive engagement on critical matters of foreign policy have gone largely ignored or woefully unaddressed.

You also note that your “job is to lead an organization focused on the execution of President Trump’s foreign policy priorities on behalf of the United States.” I would argue that part of that job is to explain to the American people—and their elected representatives in Congress—exactly what those priorities are.

I understand that Chairman Risch, with my full support, has been trying to get you to testify in front of the Senate Foreign Relations Committee since February, including by appearing remotely, on the budget request for the State Department. Additionally, given that we are currently facing a global pandemic that threatens some of the world’s most vulnerable populations, witnessing increased tension with China, and instability that threatens U.S. interests across the world, there are any number of topics that would normally trigger a Secretary of State testifying before Congress. Moreover, you have only publicly appeared in front of this Committee three times; the last time being April 10, 2019. Again, I would welcome you to come testify on any topic of your choosing.

Indeed, when you were yourself a member of Congress, you extolled Congressional oversight as a critical function of this country. In March 2014, you stated that our system of checks and balances, including Congress, “is the best [system] devised by humankind for a way to provide oversight on a country’s

incredibly important intelligence operations.”¹ Surely the same logic would apply to our foreign policy operations. In March 2016, you told a newspaper that the State Department “ought” to “respond to a legitimate inquiry from the legislative branch, duly authorized by statute and cooperate.”² I could not agree more.

As our country’s shining light as the beacon of freedom and democracy continues to dim under this Administration, it would behoove our standing in the world and strengthen our own democratic fabric if the nation’s leading diplomat would engage on these and other issues.

In the spirit of your request, below is a representative, non-exhaustive list of requests I have sent over the last year on foreign policy matters of grave concern to me and my constituents, to which the State Department has failed to respond to fully or at all and about which you have yet to come to Congress to testify. I look forward to your prompt engagement on these matters, and to having you testify before the Committee in short order.

Sincerely,



Robert Menendez
Ranking Member

Outstanding Requests regarding U.S. Foreign Policy:

1. Legal analysis and determination for the Trump administration’s decision not to make a legally-required determination under the Global Magnitsky Act regarding the role of Mohammed bin Salman in the murder of *Washington Post* journalist and U.S. resident Jamal Khashoggi, including relevant records and information – requested **Feb. 14, 2019**
2. Information on the Administration’s climate change policy following reports that the NSC was pursuing the establishment of a commission to undermine the utilization of climate science in national security planning – requested **Feb. 20, 2019**
3. Information on the Trump administration’s climate leadership plans in light of U.S. withdrawal from the Paris Agreement – requested **Feb. 28, 2019, Sept. 27, 2019 and earlier.**
4. Answers regarding reports that the U.S. government committed to paying \$2 million to North Korea to secure the release of Otto Warmbier – requested **May 3, 2019**
5. Records and information related to the State Department’s role in delaying security assistance to Ukraine and facilitating meetings between the President’s personal agent, Rudy Giuliani, and Ukrainian officials – requested **Sept. 24, 2019**

¹ Darren Samuelsohn, “Hill draws criticism over NSA oversight,” *Politico*, Mar. 2, 2014,

² Susan Crabtree, “Scandals surround Clinton’s gatekeeper at State,” *Washington Examiner*, Oct. 19, 2016,

6. Adequate answers and documents responsive to 31 outstanding questions for the record from the September 25, 2019, Senate Foreign Relations Committee hearing on Mexico and Central America, including all agreements and arrangements and associated documentation between the U.S. and Mexico and the U.S. and the Northern Triangle (El Salvador, Guatemala, and Honduras) – requested **Sept. 27, 2019**
7. Information on your role and the State Department role in the July 25 Trump-Zelenskyy call and surrounding events – requested **Sept. 27, 2019**
8. Communications, information, and any legal opinion relating to the July 2019 Joint Department of Health and Human Services and State Department letter to more than 70 countries urging them to oppose abortion access – requested **Oct. 28, 2019**
9. Written details and briefing on the State Operations Center and reports that the Department was limiting it to document calls with foreign leaders – requested **Dec. 6, 2019**
10. Information on the State Department’s birthright citizenship initiative – requested **Jan. 24, 2020**
11. Briefing with Assistant Secretary Ford to discuss State’s Cyber Office – requested **Feb. 2020**
12. Documents showing the division of non-security assistance in Iraq between U.S. Agency for International Development (USAID) and State Department and of all non-security assistance and staffing for religious and ethnic minorities in Iraq and Syria – requested **Feb. 3, 2020 with several follow ups, most recently on June 1, 2020**
13. Information fully responsive to my questions, asked with Senator Warren and 23 other Democratic Senators, to you, Attorney General Barr, and Acting Secretary of Homeland Security Chad Wolf, about the negotiation and implementation of three international “Asylum Cooperative Agreements” (ACAs, or Safe 3rd Country agreements) in El Salvador, Guatemala, and Honduras – requested **Feb. 5, 2020**
14. Clarification as to whether Turkey’s purchase of the S-400 will be included in the calculation of Turkey’s progress towards its two percent Wales commitment – requested **Feb. 28, 2020**
15. Information about the Trump administration’s strategy for countering Russian interference in African elections; and a description of all activities funded by State or USAID specifically aimed at countering Russian interference in African elections, with funding amounts – requested **Mar. 3, 2020**
16. Explanation from the Bureau of Western Hemisphere Affairs (WHA) of the Administration’s policy toward asylum seekers in response to the coronavirus outbreak, and a detailed explanation from the Office of the Legal Adviser Office of Human Rights and Refugees (L/HRR) of how this policy comports with domestic and international legal obligations toward asylum seekers – requested **Mar. 18, 2020**
17. Information about Global Engagement Center operations – requested **Mar. 23, 2020**
18. Information and document request regarding the Bureau of Intelligence and Research and China COVID-19 cables – requested **Mar. 24/30, 2020**

19. Briefing on COVID-19 origins – requested **Apr. 2, 2020**
20. Briefing on Open Skies Treaty – requested **Apr. 3, 2020**
21. Explanations for the role of the U.S. in the Serbia-Kosovo talks, why the U.S. has not imposed sanctions on Serbia pursuant to the Countering America's Adversaries Through Sanctions Act (CAATSA), and whether the suspension of the Millennium Challenge Corporation's (MCC) Kosovo programs is in keeping with the MCC's mission – requested **Apr. 13, 2020**
22. Briefing on Chinese nuclear testing – requested **Apr. 16, 2020**
23. Information about the State Department's response to warning signs in the early stages of the COVID-19 outbreak – requested **Apr. 16, 2020**
24. Information from the Bureau of International Organization Affairs (IO) about how suspension/cessation of the World Health Organization (WHO) contributions is affecting engagement related to COVID-19 and health programming on the ground in Mozambique – requested **Apr. 23, 2020**
25. Legal opinion related to Iran that was provided to one or more Republican Senators before Biegun's confirmation as Deputy Secretary of State – requested **Apr. 27, 2020**
26. Briefing on State's plans to address the growing threat of foreign white supremacist terror, and request for you to immediately provide clarity on the employment status of Mr. Matthew Gebert following his August 2019 suspension, as well as for you to call out bigotry and unequivocally reject the promotion of hatred – requested **Apr. 28, 2020**
27. Information on whether State is conducting a review of our response to COVID-19, whether the findings of the review we are asking WHO to conduct will be used to inform the U.S. response, whether the U.S. is providing staff to assist WHO with the review, and a copy of Ambassador Bremberg's remarks as delivered at the WHO Executive Board meeting in February 2020 – requested **May 1, 2020**
28. Information on COVID-19 testing for migrants before deportation, medical treatment for those who test positive, and ending deportations of individuals who have tested positive or exhibited symptoms of COVID-19, as well as the results of the Centers for Disease Control and Prevention (CDC) review of the impact of deporting individuals that have tested positive for COVID-19 upon arrival in Guatemala – requested **May 1, 2020**
29. Briefing on the failed mercenary incursion into Venezuela that occurred on May 3, 2020, and resulted in the capture of two American citizens, as well as related potential violations of the International Traffic in Arms Regulations (ITAR) – requested **May 4, 2020**
30. Documents relating to the State Department's engagement with the WHO in the face of the COVID-19 global pandemic – requested **May 5, 2020**
31. Documents related to origins of, and early preparation for, COVID-19, including all cables regarding the CDC and China, the WHO, and the Department's pandemic preparedness or response plan – requested **May 7, 2020**

32. Briefing on the inadequate report received from the Department, pursuant to the VERDAD Act, on the Maduro regime's potential involvement in crimes against humanity. The VERDAD Act includes a statutory requirement that a briefing on this report be provided within 15 days – requested **May 7, 2020**
33. Briefing on Ethiopia security sector engagement – requested **May 8, 2020**
34. Briefing from the Bureau of Democracy, Human Rights, and Labor about accountability for abuses by Cameroon security forces – requested **May 8, 2020**
35. Information on the Administration's asylum ban justified, in part, on conditions related to COVID-19 – requested **May 12, 2020**
36. Information and briefing on rescissions at the Department – requested **May 12, 2020**
37. Information regarding "non-public" disclaimer language from the Department's Office of the Legal Adviser – requested **May 12, 2020**
38. Update on the economic and political situation in Jordan – requested **May 13, 2020**
39. Briefing with Special Envoy Billingslea on arms control issues – requested **May 14, 2020**
40. Briefing on the Sacoolas case and Interpol – requested **May 15, 2020 (following-up on 2019 requests)**
41. Further information on the status of Egyptian purchase of Su-35, in violation of CAATSA - requested **May 19, 2020**
42. Further information on the Unalienable Rights Commission purpose, membership selection, and expected outputs – requested **May 20, 2020**
43. Information about U.S. engagement with civil society organizations that are monitoring the implementation of African Development Bank (AfDB) and World Bank projects in Zimbabwe – requested **May 27, 2020**
44. Impact of COVID-19-related travel restrictions on Bureau of Educational and Cultural Exchanges J1 Visa programs – requested **May 27, 2020**
45. Determinations that allowed the Asylum Cooperative Agreements to enter into force – requested **May 27, 2020**
46. Information on U.S. objections to the concept of "discrimination" and its understanding of how the concept of "equal protection of the laws" applied in an OAS declaration in support of LGBTI rights – requested **May 28, 2020**
47. Information about how State's African Affairs Bureau is planning to mitigate loss of credibility and moral authority on messaging on democracy and governance, respect for human rights, and accountability for security sector abuses in Africa given U.S. police abuses and President Trump's tweets – requested **June 1, 2020**

Outstanding Requests regarding State Department Management and Operations:

1. Information regarding Special Representatives and Special Envoy Status – ongoing series of requests, dating back to **2019**
2. Information and records on how State protected and defended Ambassador Yovanovitch, why she was removed early, and what State is doing to ensure State Department personnel know their rights under federal whistleblower laws – requested **Oct. 10, 2019**
3. Briefing by Under Secretary for Management on steps taken to address retaliation at the Department, including in the IO bureau – requested **Oct. 11, 2019**
4. Explanation of the steps taken to investigate the alleged surveillance of Ambassador Yovanovitch – requested **Jan. 15, 2020 and Jan. 29, 2020**
5. Request for interviews related to joint political retaliation investigation on – requested **Feb. 24, 2020**
6. Clarification of Diplomatic Security policy on background investigations – requested **Mar. 4, 2020**
7. Follow-up information on diversity issues at the State Department – requested **Mar. 25, 2020**
8. Update on staffing at the U.S. Consulate in Thessaloniki, Greece – requested **Mar. 25, 2020**
9. Information on whether the Department weighed in on Mari Stull’s candidacy to be the Washington D.C. Representative of the OAS Inter-American Institute for Cooperation on Agriculture (IICA) and what details the State Department provided to IICA about retaliation allegations against Stull – requested **Mar. 27, 2020**
10. Information about the Department’s review of Ambassador McCarter’s tweets referring to COVID-19 as the Wuhan Flu and any directives from State to Ambassadors to avoid the term – requested **Apr. 22, 2020**
11. Information request to Ambassador McCarter about the review process of his tweets referring to COVID-19 as the Wuhan Flu – requested **May 6, 2020**
12. Documents related to the firing of State Department Inspector General Linick – requested **May 16, 2020**
13. Details regarding the firing of State Department Inspector General Linick and appointment of Acting Inspector General Akard – requested **May 16 and 18, 2020**
14. Legal basis for appointing Lee Rizzuto as “Principal Officer” for U.S. Consulate General in Bermuda – requested **May 27, 2020**

LETTER FROM MARK R. JACOBSON CLARIFYING MARSHALL
BILLINGSLEA'S ROLE IN DEVELOPING INTERROGATION TECHNIQUES
AT GUANTANAMO BAY

Mark R. Jacobson
Amherst, MA

September 20, 2019

The Honorable James E. Risch, Chairman
The Honorable Bob Menendez, Ranking Member
U.S. Senate Committee on Foreign Relations
423 Dirksen Senate Office Building
Washington, DC 20510-6225

Dear Chairman Risch and Ranking Member Menendez,

I am writing to clarify the context of my letter of June 22, 2017 to the Chair of the Senate Armed Services Committee, regarding the nomination of Mr. Marshall Billingslea to be Assistant Secretary for Terrorist Financing in the United States Department of the Treasury. This letter, as you are aware, was mentioned in hearings before your committee on September 19, 2019.

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

In terms of any other issues regarding Mr. Billingslea's involvement with the detention and interrogation policies I stand by the findings and text of the Senate Armed Services Committee report.

I may be reached at mark.jacobson01@gmail.com or 202-604-2206 with any further questions you or your staff may have.

Sincerely,



Mark R. Jacobson

EXCERPTS FROM THE "INQUIRY INTO THE TREATMENT OF DETAINEES
IN U.S. CUSTODY," A REPORT OF THE SENATE COMMITTEE ON
ARMED SERVICES, NOVEMBER 20, 2008

stimuli, removal of clothing, use of detainee phobias such as dogs, and the one Category III technique the Secretary had authorized, which included grabbing, poking, and light pushing.

E. JPRA Briefs Members of the Working Group on SERE Techniques (U)

█ Prior to issuing a final report on April 4, 2003, members of the Working Group again sought information from JPRA on SERE techniques. The JAG of the Air Force, Maj Gen Thomas Fiscus, and two other military officers, visited JPRA and were briefed on SERE physical pressures.¹⁰⁰⁰ At the briefing, JPRA described its previous support to "high value target" interrogations, discussed the processes and procedures used in SERE training, and reviewed the "application of physical pressures in an operational environment."¹⁰⁰¹ JPRA Chief of Staff Daniel Baumgartner told Maj Gen Fiscus that JPRA had previously provided information on techniques used in SERE schools to DoD Deputy General Counsel Richard Shiffrin.¹⁰⁰²

F. The Working Group Finalizes Its Report and the Secretary of Defense Issues a New Interrogation Policy For GTMO (U)

█ On March 28, 2003, the Secretary of Defense met with a number of senior advisors including Deputy Secretary Paul Wolfowitz, DoD General Counsel Jim Haynes, and Chairman of the Joint Chiefs of Staff Gen Richard Myers, to discuss the interrogation techniques being considered by the Working Group.¹⁰⁰³ After that meeting, the Secretary decided to expressly authorize 24 interrogation techniques, including five that were not listed in the Army Field Manual (one of these five was classified as an "exceptional" technique).¹⁰⁰⁴

█ The Joint Chiefs of Staff met on March 31, 2003, and were briefed about Secretary Rumsfeld's decision. According to CAPT Dalton, the Legal Counsel to the Chairman of the Joint Chiefs of Staff, the "Chiefs recognized that the approved strategies would not hamper the combatant commander in the accomplishment of his mission, because the door was open to request additional strategies on a case-by-case basis if needed in compelling cases."¹⁰⁰⁵

█ The last and final version of the Working Group report was issued on April 4, 2003. The report was similar to the March 6, 2003 version, except that it did not recommend waterboarding or list the three other exceptional techniques that the Working Group could not evaluate fully – stress positions, deprivation of light and auditory stimuli, and water

¹⁰⁰⁰ Committee staff interview of Lt Col Daniel Baumgartner (August 8, 2007).

¹⁰⁰¹ JPRA Power Point presentation, *Project 22B* (June 2003).

¹⁰⁰² Committee staff interview of Lt Col Daniel Baumgartner (August 8, 2007).

¹⁰⁰³ █ "According to the Secretary's daily schedule, the advisors at the meeting included Mr. Haynes, Gen Myers, the Deputy Secretary of Defense, Paul Wolfowitz, the Undersecretary of Defense for Intelligence, Stephen Cambone, the Under Secretary of Defense for Policy, Douglas Feith, the Principal Deputy Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, Marshall Billingslea, and CAPT Dalton." *Church Report* at 136. By the time the Secretary met with his advisors, the Working Group had removed waterboarding from consideration. *Ibid.* at 135-6.

¹⁰⁰⁴ *Ibid.* at 136.

¹⁰⁰⁵ Memo from RADM Jane Dalton to VADM Church, *Request for Information* (August 10, 2004) at 5.

[REDACTED]

immersion/wetting down.¹⁰⁰⁶ At the direction of the DoD Principal Deputy General Counsel Daniel Dell'Orto, the April 4, 2003 report was not circulated to the participants of the Working Group.¹⁰⁰⁷

(U) In fact, when it came to finalizing the report, some participants of the Working Group who had raised objections to the report were excluded from the process and did not even know that the report had been completed.¹⁰⁰⁸ According to Alberto Mora, the Navy General Counsel, "Neither I, [the Navy Office of the General Counsel], nor – to my knowledge – anyone else in the [Department of Navy] ever received a completed version of the Working Group report. It was never circulated for clearance. Over time, I would come to assume that the report had never been finalized."¹⁰⁰⁹ Mr. Mora said that he only learned of the final report nearly a year later while watching a "televised congressional hearing on the Abu Ghraib scandal."¹⁰¹⁰

[REDACTED] On April 5, 2003, Gen Myers forwarded a memo proposing that the Secretary of Defense authorize 24 of the interrogation techniques reviewed during the Working Group process.¹⁰¹¹ In response, Marshall Billingslea, the Principal Deputy Assistant Secretary of Defense for Special Operations/ Low-Intensity Conflict sent a memo to the Secretary of Defense raising concerns about the omission of certain techniques and recommending that the Secretary approve all 35 techniques "endorsed by the Working Group."¹⁰¹² Mr. Billingslea's memo stated:

The current memo omits some interrogation techniques that are not controversial from either a legal, or policy standpoint. For instance, blindfolding ('hooding'), lightly touching a detainee, and threatening transfer to a 3rd country all seem reasonable techniques to approve.

The draft memo also omits some techniques which the Working Group found to be legally-permissible, but which should be done only with appropriate oversight. While the Working Group felt that the Combatant Commander could approve these measures, we recommend requiring that you be notified prior to their use.

The measures in question include using prolonged interrogations, prolonged standing in non-stress positions, forced grooming, requiring physical exercise, face/stomach slaps to cause surprise but not pain or injury, etc.

¹⁰⁰⁶ Department of Defense, *Working Group Report on Detainee Interrogations in the Global War on Terrorism: Assessment of Legal, Historical, Policy, and Operational Considerations* (April 4, 2003).

¹⁰⁰⁷ *Church Report* at 136.

¹⁰⁰⁸ SASC Hearing (June 17, 2008) (Testimony of Alberto Mora); Military Justice and Detention Policy in the Global War on Terrorism, Senate Committee on Armed Services, Subcommittee on Personnel, 109th Cong. (July 14, 2005) (Testimony of MG Thomas Romig).

¹⁰⁰⁹ Mora, *Statement for the Record* at 20.

¹⁰¹⁰ *Ibid.*

¹⁰¹¹ *Church Report* at 137.

¹⁰¹² Memo from Marshall Billingslea to Secretary Rumsfeld, *Interrogation Methods for GTMO* (April 10, 2003).

Finally, we recommend delegating certain techniques to General Miller at GTMO.¹⁰¹³

(U) On April 16, 2003, the Secretary of Defense authorized the Commander of SOUTHCOM to use 24 interrogation techniques.¹⁰¹⁴ Of the 24 techniques, four – Mutt and Jeff, incentive/removal of incentive, pride and ego down, and isolation – required that the SOUTHCOM Commander make a determination of “military necessity” and notify the Secretary in advance of using them.¹⁰¹⁵ The Secretary authorized the use of the other 20 techniques with all detainees at GTMO so long as GTMO personnel adhered to certain safeguards. Those authorized techniques included dietary manipulation, environmental manipulation, sleep adjustment, and false flag, none of which were listed in the Army Field Manual.

(U) In addition to expressly authorizing the 24 techniques listed in his April 16, 2003 memorandum, Secretary Rumsfeld wrote in his memo: “If, in your view, you require additional interrogation techniques for a particular detainee, you should provide me, via the Chairman of the Joint Chiefs of Staff, a written request describing the proposed technique, recommended safeguards, and the rationale for applying it with an identified detainee.”¹⁰¹⁶

(U) CAPT Dalton told the Committee that all of the techniques recommended by the Working Group were available for request.¹⁰¹⁷ That understanding was shared by the Joint Chiefs, who she said believed that the door was open to request additional strategies on a case-by-case basis if needed in compelling cases.¹⁰¹⁸ The GTMO Commander would soon seek and receive authority to use additional techniques that went beyond the 24 expressly approved in the Secretary’s April 16, 2003 memo.

IX. Aggressive Interrogations at GTMO (U)

A. Allegations of Detainee Mistreatment (U)

As the final Working Group report was being generated, and on the heels of SOUTHCOM and GTMO’s press for additional interrogation authorities, a Commander’s inquiry was initiated at GTMO following allegations that, between March and April 2003, interrogation personnel and military police had forced detainees to engage in physical training.¹⁰¹⁹

¹⁰¹³ Ibid.

¹⁰¹⁴ Memorandum from Secretary of Defense Donald Rumsfeld to GEN James T. Hill, *Counter-Resistance Techniques in the War on Terrorism* (April 16, 2003) (hereinafter “Secretary Rumsfeld to GEN Hill (April 16, 2003)”).

¹⁰¹⁵ Secretary Rumsfeld to GEN Hill (April 16, 2003).

¹⁰¹⁶ Ibid.

¹⁰¹⁷ Committee staff interview of RADM Jane Dalton (April 10, 2008) at 225.

¹⁰¹⁸ Memo from RADM Jane Dalton to VADM Church, *Request for Information* (August 10, 2004) at 5.

¹⁰¹⁹ Memo for Record from ACS Contractor, *Possible Inappropriate Activities* (undated).

The United States should ratify the International Privacy Convention 108+, the most-well established legal framework for international privacy protection.⁴ The Convention is recently modernized to establish such new challenges as biometric identification, algorithmic transparency, and the role of supervisory authorities.⁵ Because of the global reach of new technologies, international agreements provide the best opportunity to establish data protection standards.⁶ The Privacy Convention would establish a global bias to safeguard personal information and enable the continued growth of the Internet economy. Many US companies have already indicated their support for the General Data Protection (GDPR) of the European Union.⁷ But there is no mechanism for the United States to accede to the EU Regulation. However, the United States is an Observer to the Council of Europe and has formally ratified COE conventions in the past, most notably the Cybercrime Convention.⁸ The Privacy Convention provides the opportunity for the United States to back a well known and well regarded international framework that would both protect privacy and preserve cross border data flows.

EPIC renews our request to your Committee that the United States begin the ratification process for Council of Europe Convention 108.⁹ As we wrote in 2010, “The protection of privacy is a fundamental human right. In the 21st century, it may become one of the most critical human rights of all. Civil society organizations from around the world have recently asked that countries which have not yet ratified the Council of Europe Convention 108 and the Protocol of 2001 to do so as expeditiously as possible.”¹⁰

There is today a growing consensus on both sides of the Atlantic, supported by consumer groups and business leaders, to recognize that privacy is a fundamental human right. Our laws should reflect that, and the individuals confirmed to senior positions should as well.

⁴ See generally, EPIC, Council of Europe Privacy Convention (2015), <https://epic.org/privacy/intl/coeconvention/>.

⁵ Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, May 2018, ETS No. 108.

⁶ Brief for EPIC and Thirty-Seven Technical Experts and Legal Scholars as Amici Curiae in Support of Respondent 12-20, *United States v. Microsoft*, No. 17-2 (Jan. 18, 2018), <https://epic.org/amicus/ecpa/microsoft/US-v-Microsoft-amicus-EPIC.pdf>.

⁷ Rachel England, *Tim Cook calls for GDPR-style privacy laws in the US*, Engadget (Oct. 24, 2018), <https://www.engadget.com/2018/10/24/tim-cook-calls-for-gdpr-style-privacy-laws-in-the-us/>; Isobel Asher Hamilton, *Microsoft CEO Satya Nadella made a global call for countries to come together to create new GDPR-style data privacy laws*, Business Insider (Jan. 24, 2019), <https://www.businessinsider.com/satya-nadella-on-gdpr-2019-1>.

⁸ TechNet, *Senate Ratifies Convention on Cybercrime*, Aug. 3, 2006 (“The Senate ratified by unanimous consent without amendment Treaty 108-11, which is titled “Council of Europe Convention on Cybercrime.” This convention requires the nations that are parties to it to enact laws criminalizing certain activity in the nature of computer hacking, and other cyber crimes.”), <http://www.techlawjournal.com/topstories/2006/20060803b.asp>

⁹ See Letter from EPIC to Secretary Clinton Re: US Ratification of COE Convention 108 (Jan. 28, 2010), https://epic.org/privacy/intl/EPIC_Clinton_ltr_1-10.pdf; Letter from EPIC to Senator Corker and Senator Menendez, Senate Foreign Relations Committee (Apr. 13, 2018), <https://epic.org/EPIC-SFR-Pompeo-April2018.pdf>.

¹⁰ Id. See The Public Voice, *The Madrid Privacy Declaration* (2009), <http://www.thepublicvoice.org/Madrid-declaration/>.

We ask that this Statement from EPIC be entered in the hearing record. We look forward to working with you on these issues of vital importance to the American public.

Sincerely,

/s/ Marc Rotenberg
Marc Rotenberg
EPIC President

/s/ Caitriona Fitzgerald
Caitriona Fitzgerald
EPIC Policy Director

/s/ Eleni Kyriakides
Eleni Kyriakides
EPIC International Counsel

LETTER SUBMITTED BY VARIOUS NON-GOVERNMENTAL
ORGANIZATIONS OPPOSING THE BILLINGSLEA NOMINATION

September 17, 2019

Dear Senators:

We are a group of non-governmental organizations that advocate for human rights, civil rights, and government accountability. We are writing to express our opposition to President Trump's nomination of Marshall Billingslea to be Under Secretary for Civilian Security, Democracy, and Human Rights at the Department of State, given Mr. Billingslea's well-documented history of advocating for the use of torture and other unlawful interrogation practices. We urge you not to advance Mr. Billingslea's nomination.

The Under Secretary for Civilian Security, Democracy, and Human Rights is the senior-most executive branch official directly responsible for forming and implementing U.S. government policy on promoting universal human rights, preventing mass atrocities, aiding refugees and victims of conflict, fighting corruption, combatting human trafficking, and countering terrorism, among other tasks.¹ He or she routinely and directly engages with foreign governments, civil society, media, and victims of human rights violations on these topics and is expected to explain to these audiences why the U.S. government rejects torture and other forms of ill-treatment as a matter of law and policy. He or she also maintains oversight of many hundreds of millions of dollars' worth of foreign assistance aimed at aiding refugees, protecting human rights defenders, supporting torture survivors, assisting survivors of human trafficking, and otherwise helping civilians exposed to the ravages of war and government abuse. Accordingly, he or she must be a strong advocate for policies and assistance accounts that seek to protect and promote human rights within the interagency policy and budgetary formulation processes.

Mr. Billingslea lacks relevant background and experience concerning the vast majority of tasks that fall under the purview of the Under Secretary for Civilian Security, Democracy, and Human Rights,² a position into which recent Democratic and Republican administrations have appointed senior officials with extensive backgrounds in human rights, development, and refugee policy. Moreover, and most importantly, we are deeply troubled at the possibility that someone with a record of endorsing torture and other ill-treatment will be the face of American efforts to advance justice and human rights abroad.³

According to a bi-partisan report on detainee treatment unanimously adopted by the Senate Armed Services Committee ("SASC Report"), Mr. Billingslea encouraged the use of interrogation methods that amounted to torture or other cruel, inhuman, or degrading treatment while he served as the Principal Deputy Assistant Secretary of Defense for Special

¹ The holder of the office oversees seven State Department bureaus and offices, including, but not limited to, the Bureau of Democracy, Human Rights, and Labor (DRL), Bureau of Conflict and Stabilization Operations (CSO), Bureau of Population, Refugees, and Migration (PRM), and Bureau of International Narcotics and Law Enforcement Affairs (INL). The holder of the office has also recently been tasked with jointly serving as the Special Coordinator for Tibetan Issues.

² "U.S. Department of the Treasury," Marshall Billingslea, https://www.treasury.gov/about/organizational-structure/Pages/marshall_billingslea.aspx

³ Human Rights First, "Marshall Billingslea, Nominee for Under Secretary of State for Civilian Security, Democracy, and Human Rights, Linked to Torture," [https://www.humanrightsfirst.org/sites/default/files/Billingslea_Fact_Sheet.pdf_\(October_2018\)](https://www.humanrightsfirst.org/sites/default/files/Billingslea_Fact_Sheet.pdf_(October_2018)).

Operations/Low-Intensity Conflict Under Defense Secretary Donald Rumsfeld during the administration of President George W. Bush.⁴

To support their use, Billingslea falsely claimed, in a memo addressed to the Secretary of Defense, that a defense department working group, of which he was a member, “endorsed” the use of a number of techniques amounting to torture or other ill-treatment.⁵ In fact, the working group report included senior civilian and military lawyers who opposed torture⁶, and the final report had been completed without the knowledge of the working group’s dissenting members.⁷

Mr. Billingslea also pushed for additional torture techniques to be used on a specific detainee, Mohamedou Ould Slahi.⁸ Slahi was a Mauritanian man detained at the Guantánamo Bay detention camp without charge from 2002 until his release on October 17, 2016. According to the SASC report, Mr. Billingslea forwarded a memo notifying Secretary Rumsfeld that JTF-GTMO intended to isolate Slahi and recommending that he approve the use of “sleep deprivation” and “sound modulation at decibel levels not harmful to hearing,”⁹ both of which amount to a breach of the absolute prohibition on torture and other ill-treatment.¹⁰ Secretary Rumsfeld approved the techniques, which were subsequently used on Slahi. In 2004, the Marine officer charged with prosecuting Slahi in a military commission determined that statements elicited from Slahi were obtained under torture and resigned his position so as not to participate in the proceedings.¹¹

All the undersigned organizations have serious concerns about Mr. Billingslea’s record,¹² his possible involvement in violations of U.S. and international law, and how this will affect his ability to perform the duties he would be tasked with in this position. For the abovementioned reasons, we oppose Mr. Billingslea’s nomination and urge you not to advance his nomination.

⁴ Committee on Armed Services United States Senate, “Inquiry into the Treatment of Detainees in U.S. Custody,” (“SASC Detainee Treatment Report”) (2008), https://www.armed-services.senate.gov/imo/media/doc/Detainee-Report-Final_April-22-2009.pdf.

⁵ SASC Detainee Treatment Report, p. 131.

⁶ Throughout the working group’s deliberations of the working group, several of its members, including top lawyers for the Army, Navy, Air Force, and Marine Corps, had raised objections to the its draft report. Then-General Counsel of the Navy Alberto Mora described the legal standard the group was using to determine the legality of the interrogation techniques as a “travesty of the applicable law.” SASC Detainee Treatment Report, p. 138. And in a statement backed by several other top military lawyers, then- Deputy Judge Advocate General of the Air Force Major General Jack Rives objected that “[s]everal of the more extreme interrogation techniques, on their face, amount to violations of domestic criminal law and [the Uniform Code of Military Justice].” Memorandum for SAF/GC, Feb. 5, 2003, available at: <https://balkin.blogspot.com/jag.memos.pdf>

⁷ SASC Detainee Treatment Report, p. 131.

⁸ *Ibid.*, p. 137.

⁹ A handwritten note on the memo Mr. Billingslea forwarded stated that “OGC concurs that this is legal. We don’t see any policy issues with these interrogation techniques. Recommend you authorize.” SASC Detainee Treatment Report, p. 138.

¹⁰ The Army Field Manual in use at the time described sleep deprivation as “mental torture.” DEP’T OF THE ARMY, FM 34-52 INTELLIGENCE INTERROGATION (1992), 1-8. The technique of “sound modulation,” which included s playing harsh music loudly and on repeat for long periods of time in order to mentally “break” a detainee and to prevent him from sleeping. Kelsey McKinney, “How the CIA used music to ‘break’ detainees” Vox, www.vox.com (December 11, 2014).

¹¹ Jess Bravin, *The Terror Courts, Rough Justice at Guantanamo Bay*, (Yale University Press, 2013) p. 152

¹² Many of the undersigned organizations do not as a matter of policy take positions for or against political nominees.

Sincerely,

9/11 Families for Peaceful Tomorrows
Access Now
American Jewish World Service
Americans for Democracy & Human Rights in Bahrain
Amnesty International USA
Bridges Faith Initiative
Center for American Progress Action Fund
Center for Justice and Accountability
Common Defense
Council for Global Equality
Defending Rights & Dissent
Electronic Privacy Information Center
Government Information Watch
Human Rights First
Human Rights Watch
National Religious Campaign Against Torture
Open Society Policy Center
Restore The Fourth
Robert F. Kennedy Human Rights
VoteVets
Win Without War

LETTER FROM THOMAS J. ROMIG, MAJOR GENERAL, USA, RETIRED
OPPOSING THE BILLINGSLEA NOMINATION

September 19, 2019

Dear Senator:

I retired from the US Army in 2005 after 34 years of service, including six years as a military intelligence officer and, following law school, 25 years in the US Army JAG Corps. During my last four years in the Army, I served as the 36th Judge Advocate General of the Army. During that time, I, and several other military lawyers, spoke up against proposals to abuse and torture detainees by using so-called "enhanced interrogation methods."

During meetings on the matter, I encountered Mr. Marshall Billingslea, who at the time was in the very influential role of Principal Deputy Assistant Secretary of Defense for Special Operations and Low Intensity Conflict at the Pentagon. I write to you today because I understand that Mr. Billingslea has been nominated to serve as Under Secretary of State for Civilian Security, Democracy, and Human Rights—a position that requires moral courage, leadership, and credibility on human rights.

Yet during the critical test of our nation's moral courage after 9/11, Mr. Billingslea failed. He not only failed to stand up for what was right, but he also went out of his way to advocate for using abusive interrogation techniques against detainees in our custody. And he advocated for such abuses despite being told that his positions were wrong, counterproductive, and unlawful by a group of senior military lawyers with over 100 collective years of military experience and nearly that many years of military law experience.

To put it mildly, I believe that Mr. Billingslea is one of the worst possible candidates for this critical senior leadership role overseeing human rights policy for the Department of State.

Sincerely,

Thomas J. Romig, Major General, USA, Retired
Former Dean and Professor of Law

LETTER FROM JOE BRYAN OPPOSING THE BILLINGSLEA NOMINATION

September 20, 2019

Hon. James E. Risch,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC 20510-6225

Hon. Robert Menendez
Ranking Member, Senate Committee on Foreign Relations,
U.S. Senate, Washington, DC, 20510-6225

DEAR CHAIRMAN RISCH AND RANKING MEMBER MENENDEZ: I am writing regarding the nomination of Marshall Billingslea to be Under Secretary of State for Civilian Security, Democracy, and Human Rights. I believe that Mr. Billingslea's record relating to the treatment of detainees in U.S. custody makes him the wrong person to represent the United States in that position and I oppose his confirmation.

I was a member of the professional staff of the Senate Armed Services Committee (SASC) from 2007 until 2014 and led the committee's investigations team during that period. In 2008, the committee approved a report of its bipartisan investigation into the treatment of detainees in U.S. custody. Among other matters, that report described Mr. Billingslea's role in decisions relating to detainee treatment during his time as the Principal Deputy Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

In his September 19, 2019 testimony before your committee Mr. Billingslea referred to a statement, which he attributed to a third party, that he has "never supported torture nor anything resembling torture." The record established in the SASC investigation does not support that assessment. As described on page 131 of the committee's report, Mr. Billingslea recommended that then-Defense Secretary Rumsfeld authorize interrogation techniques that included, among other measures, hooding detainees, slapping them, and threatening to transfer them to a third country that the detainee was likely to fear would subject him to torture or death. As detailed on page 138 of the committee's report, Mr. Billingslea also recommended approval of an interrogation plan for a particular detainee, Mohamedou Ould Slahi, that included such techniques as sleep deprivation and subjecting the detainee to sound modulation.

Mr. Billingslea testified to your committee that he "had to rely on lawyers up and down the chain of command to tell us that these things were legal." However, senior military lawyers repeatedly raised concerns about the legality of interrogation techniques that Mr. Billingslea endorsed. As described on pages 67-69 of the committee's report, long-prior to Mr. Billingslea's recommendation, Judge Advocates General from the military services had raised serious concerns regarding the legality of many techniques. Further, as reflected in pages 126-27 of the SASC report, just months prior to an April 10, 2003 memo from Mr. Billingslea to Secretary of Defense Rumsfeld endorsing the use of certain techniques, top military lawyers had objected to many of them on both legal and policy grounds.

Mr. Billingslea stated during his confirmation hearing that "support for civilian security, democracy and human rights is crucial to advancing vital American interests." I agree. But our ability to effectively advocate for the protection of human rights around the world rests on the example we ourselves set and the credibility of those whom we select as our messengers. I believe that Mr. Billingslea's record fails that test, and I oppose his confirmation.

Sincerely,
Joe Bryan, Former Professional Staff,
Senate Armed Services Committee

**Letters Regarding the Nomination of Hon. C.J.
Mahoney, of Kansas, Nominated to be
Legal Advisor of the U.S. Department of State**

LETTER FROM HON. SENATOR BOB DOLE SUPPORTING HON. C.J.
MAHONEY'S NOMINATION TO BE LEGAL ADVISOR OF THE U.S. DE-
PARTMENT OF STATE

SENATOR BOB DOLE
THE ATLANTIC BUILDING
950 F STREET, N.W., 10TH FLOOR
WASHINGTON, D.C. 20004

January 13, 2020

The Honorable James Risch
United States Senate
Washington, D.C. 20002

The Honorable Robert Menendez
United States Senate
Washington, D.C. 20002

Dear Chairman Risch and Ranking Member Menendez:

I am writing to offer my endorsement to the nomination of C.J. Mahoney for Legal Adviser at the Department of State.

C.J. and I share the same hometown of Russell, Kansas. I have known him for his entire life and have also known four generations of his family. As the student body President of Russell High School in 1996, C.J. seconded my nomination for President at the Republican National Convention. We have remained in close contact ever since.

Based on his academic and professional credentials, I firmly believe C.J. possesses all the necessary qualifications to serve effectively as the Legal Adviser to the Department of State. I also know C.J. as a person of outstanding character who can be trusted to serve honorably, just as he has served as the Deputy United States Trade Representative over the past two years.

C.J. has a demonstrated record of professionalism and bipartisanship through his leadership on the USMCA. Within days of the White House announcing his nomination, Mexico's Chief Negotiator on the USMCA and Mexico's Ambassador to the U.S. both issued public statements praising the nomination. C.J. has worked extensively with both Democratic and Republican Members of Congress, as well as their staff members, on the implementing legislation and amendments to the USMCA that allowed the agreement to attract overwhelming bipartisan support in both Houses.

In 2018, the Senate approved C.J.'s nomination to be Deputy USTR by unanimous consent. His record since that time has only bolstered the case for his swift confirmation as Legal Adviser. I hope that the Committee will act promptly, and I thank you for your attention to my letter. Keep up the good work.

God Bless America,



BOB DOLE

LETTER FROM FORMER LEGAL ADVISORS TO THE U.S. DEPARTMENT
OF STATE SUPPORTING HON. C.J. MAHONEY'S NOMINATION TO BE
LEGAL ADVISOR OF THE U.S. DEPARTMENT OF STATE

February 18, 2020

The Honorable James Risch, Chairman
United States Senate Foreign Relations Committee
423 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Robert Menendez, Ranking Member
United States Senate Foreign Relations Committee
423 Dirksen Senate Office Building
Washington, D.C. 20510

Re: Nomination of Curtis J. Mahoney to be State Department Legal Adviser

Dear Chairman Risch and Ranking Member Menendez:

We are former Legal Advisers to the U. S. State Department. We write to provide our bipartisan endorsement of President Trump's nomination of Curtis J. (CJ) Mahoney to this position and to encourage his prompt confirmation.

Mr. Mahoney's academic background (including judicial clerkships), private practice as a lawyer and public service as a Deputy U. S. Trade Representative combine to make him highly qualified to be the nation's top international lawyer:

- Academic Background: Mr. Mahoney graduated *magna cum laude* from Harvard College in 2000, where he was elected to Phi Beta Kappa. He won the Bennett Prize for Best Thesis in American Government. After three years at McKinsey, he attended Yale Law School, from which he graduated in 2006. At Yale, he was Editor-in-Chief of the *Yale Law Journal* and won the Emerson Prize for his *Yale L. J. Note "Treaties as Contracts: Textualism, Contract Theory, and the Interpretation of Treaties"*. After clerking for Judge Alex Kozinski on the Ninth Circuit Federal Court of Appeals, he clerked for Justice Anthony Kennedy on the U. S. Supreme Court. From 2015-18, he held a faculty-appointment as a Visiting Clinical Lecturer at Yale Law School, where he conducted a seminar on international arbitration.
- Private Practice: Mr. Mahoney joined the preeminent DC law firm Williams & Connolly after clerking, becoming a partner in 2015. At Williams & Connolly, he became a real star in the world of international arbitration. It is hard to imagine a private sector area more relevant to the job of State Department Legal Adviser.
- Public Service: Since his confirmation by unanimous consent on March 1, 2018, he has served as Deputy US Trade Representative. In that role, he played a major role in the negotiation of the US-Canada-Mexico Agreement.

With this background, we believe Mr. Mahoney has the experience and credentials that are essential for a successful Legal Adviser. It is critically important that the State Department have a Senate-confirmed Legal Adviser to represent the Secretary of State in interagency discussions and speak with authority on behalf of the United States on matters of international law. Given that the State Department has not had a Senate-confirmed Legal Adviser since May 2019, we strongly urge that your Committee promptly approve his nomination and send it to the Senate for an expeditious confirmation.

February 18, 2020

Very truly yours,

Davis R. Robinson by EDW
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Edwin D. Williamson
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Brian Egan
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LETTER FROM FORMER GOVERNMENT OFFICIALS EXPRESSING BIPARTISAN SUPPORT FOR HON. C.J. MAHONEY'S NOMINATION TO BE LEGAL ADVISOR OF THE U.S. DEPARTMENT OF STATE

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January 9, 2020

The Honorable James E. Risch
Chairman, Foreign Relations Committee
United States Senate
SR-483 Russell Senate Office Building
Washington, D.C. 20510-6050

The Honorable Bob Menendez
Ranking Member, Foreign Relations Committee
United States Senate
528 Hart Senate Office Building
Washington, D.C. 20510-6050

Dear Chairman Risch and Ranking Member Menendez:

We write to support the confirmation of Amb. Curtis Joseph ("C.J.") Mahoney, currently Deputy United States Trade Representative, as Legal Adviser of the United States Department of State.

We are all former law colleagues of C.J. at Williams & Connolly LLP. As partners or senior counsel at the firm, we have firsthand knowledge of his extraordinary qualities, as both a superb lawyer and a person of impeccable integrity, that make him a distinguished nominee for this position. It should be noted that we are a diverse group with multiple and differing political perspectives. We have worked on opposing political campaigns; some of us have served in Democratic, and others in Republican, administrations. We have supported and, at times as lawyers, represented lawmakers and government officials hailing from both sides of the aisle. No matter our political differences, however, we are on one point unanimous: We support C.J. Mahoney's confirmation as Legal Adviser.

C.J. has had a distinguished career, consistently marked by high achievement. He is a graduate of Harvard College and Yale Law School and served as the Editor-in-Chief of the *Yale Law Journal*. He was a law clerk for Justice Anthony Kennedy of the Supreme Court of the United States.

After clerking, C.J. joined Williams & Connolly and became a partner. While handling a broad range of matters, C.J. focused his career primarily on international litigation and arbitration and soon became recognized as a star in that field. He acquired extensive experience in international dispute resolution and gained a deep knowledge of the applicable treaties, laws and rules. He also held a faculty appointment as a Visiting Clinical Lecturer at Yale Law School, where he taught a seminar on international arbitration.

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He was later nominated by the President to be Deputy United States Trade Representative and was confirmed unanimously by the U.S. Senate in March 2018. In that important role he has been instrumental in the negotiation of many trade agreements, including the U.S.–Mexico–Canada Trade Agreement.

We believe that his fundamental integrity, his impressive intellectual ability, and his strong interpersonal skills, combined with his legal experience, talent, and knowledge, equip C.J. to be an outstanding Legal Adviser. He is widely respected for his sound and independent judgment. He believes deeply in the rule of law. We are confident that he will diligently pursue the interests of the United States and will be an exemplary public servant in this important role.

For these reasons, we unreservedly recommend that he be confirmed as Legal Adviser. Each and every one of us stands ready to respond to any questions that you may have. Thank you for considering our views.

Yours sincerely,

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