

THE FUTURE OF U.S. POLICY TOWARDS RUSSIA

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BEFORE THE

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THE FUTURE OF U.S. POLICY TOWARDS RUSSIA

TUESDAY, DECEMBER 3, 2019

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

The committee met, pursuant to notice, at 9:48 a.m., in room SD-419, Dirksen Senate Office Building, Hon. James E. Risch, chairman of the committee, presiding.

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

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

The CHAIRMAN. The committee will come to order.

Thank you all for coming today, and thank you to our witnesses for joining us today as we examine the current state of the U.S.-Russia relationship and our strategy to deal with the Russian Federation.

It is timely to assess our relationship with Russia as we have recently celebrated the 30th anniversary of events that led to the collapse of the Soviet Union: the fall of the Berlin Wall, Solidarity's election victory in Poland, and the Baltic Way demonstrations, among others. Many former Soviet states have become prosperous democracies with memberships in NATO and the EU.

But Mr. Putin has taken Russia down another, much darker path. Today, many Russians suffer, while oligarchs enrich themselves through control of major industries. Russia rigs its elections to ensure only Kremlin-approved politicians make the cut. Russia has targeted and expelled humanitarian organizations and free media outlets, labeling them "foreign agents." And the Russian people are inhumanely imprisoned and tortured for daring to disagree with the government.

Not only does the Russian Federation make life at home painful for the average Russian, but Putin is also making life hard for people around world. He has meddled in American and European elections, sowing political chaos. He has propped up the murderous regime of Syrian President al-Assad. He sells arms to human rights abusers in Africa and missile defense systems to U.S. allies and adversaries alike. And in Venezuela, Maduro continues to hang on to power as people suffer, thanks in large part to Russian assistance.

Of course, we all know about the invasions of Georgia and Ukraine over the years and about the poisoning of Russian people in London, on other sovereign soil. The world today is more dangerous and less free because of the Russian Federation.

As a result, the U.S. relationship with Russia is at a low point. During the height of the Cold War, our leaders had a lifeline to ensure that neither side made a disastrous miscalculation, the famous red phone. Today, our engagements with Russia are few, and there is a growing risk of a strategic miscalculation on the seas, the ground, or in the skies.

To be clear, our problems are with Putin and his cronies. To date, the U.S. and our allies have been pretty tough on the Putin regime. Since 2014, we have imposed sanctions on dozens of Russian nationals and companies that have been involved in the illegal takeover of Crimea, the war in the east of Ukraine, the downing of Flight MH17, as well as human rights abuses in Russia.

In 2018, after Russia used chemical weapons on the territory of a NATO ally, we closed two Russian consulates and helped coordinate a 20-country expulsion of undeclared Russian spies. The U.S. now rotates troops through Poland, and through the Enhanced Forward Presence, NATO has stationed troops in the Baltics. And America has provided lethal and nonlethal defensive weapons to help Ukraine defend itself from Russian-backed separatists.

Each of these sanctions is important to countering Russia's malign global influence. However, they do not form a cohesive U.S. strategy. To successfully deter future aggression, America, including Congress, must think strategically about Russia now and in the future.

I encourage today's witnesses to discuss the administration's current strategy towards Russia and what it is intended to accomplish. But I must also urge caution to the administration and Congress about focusing our strategy on sanctions. Sanctions are not a strategy for dealing with Russia. They are simply a tool.

While U.S. financial preeminence makes sanctions an easy and somewhat effective tool, I have serious concerns about the consequences of their overuse, particularly in the absence of a larger strategy. More sanctions do not necessarily make us tougher on Russia.

And I am concerned about the rush to sanction in the absence of concrete policy goals. The Nord Stream 2 bill from Senators Cruz and Shaheen was a well-targeted sanctions bill with a clear policy goal in mind. But more general sanctions actions, when not connected to specific goals, can be counterproductive. And sanctions not done in coordination with our European allies, who are far closer to Russia in both distance and connectivity, is a dangerous action that can undermine our alliances.

In some cases, when insufficiently vetted, sanctions have inadvertently helped advance Putin's goals of economic consolidation and reinvigoration of Russian industry. These cannot be the outcomes we want. I assume these are outcomes we actually oppose.

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

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

Senator MENENDEZ. Thank you, Mr. Chairman. Thanks for calling this very important hearing, which we have been seeking for some time. I appreciate you doing that.

Secretaries Hale and Ford, thank you for joining us today to talk about the administration's policy with respect to the Russian Federation.

Before we hear from our witnesses, I would like to outline five essential elements that I believe should comprise our policy on the Russian Federation.

First, we must make very clear that so many examples of Kremlin aggression since invasion of Georgia in 2008 are simply unacceptable and cannot become the norm in international affairs. The invasion of Ukraine, the illegal occupation of Crimea, the attempted assassination of regime opponents with chemical weapons on foreign soil, committing war crimes in Syria, the attack on our 2016 election, these are just some.

Russia is clearly not a country that belongs in the G7, despite whatever President Trump might believe. It is still mystifying that President Trump refuses to stand up to this behavior. To this day, he says that the Kremlin attack on our election was a hoax. Repeating lies from Kremlin propaganda, he says that it was Ukraine that actually interfered in the election.

During the Cold War, those who unwittingly broadcast Soviet propaganda were called "useful idiots." I do not know what you call those today in the administration or here in Congress who knowingly spout Kremlin lies. Whatever it is, it does a lot of damage.

Second, we must implement a clear sanctions regime to change Kremlin behavior. Sanctions on Russia today have clearly not had the desired effect. Why? Because the administration has not been serious in their implementation.

Several mandatory provisions of CAATSA to this day still go ignored. I will not go through the whole list, although I could, other than to point out the most egregious example. It has been 144 days since Turkey took delivery of the Russian S-400 air defense system. Clearly, a significant transaction under CAATSA.

And just last week, Turkey tested the system against an American-produced F-16. An American-produced F-16. Enough is enough. CAATSA sanctions must be imposed without further delay. Any new Russian sanctions legislation must make clear our ultimate policy goals, what kind of behavior we are trying to change and how sanctions can be lifted in the event that that behavioral change takes place.

If we are going to increase pressure on Moscow, we must also be honest that it could have spillover effects. Under an enhanced sanctions regime, U.S. companies may no longer be able to benefit from the Russian economy. American investors may no longer benefit from the Russian sovereign debt market. The energy market may be impacted. The banking sector could be impacted.

We, of course, should seek to minimize these effects. But our ultimate measure must always be how continued Kremlin aggression impacts our national security. At the end of the day, that is the ultimate measure that matters.

Third, on arms control, the negative consequences for the United States of abandoning New START, when Russia is in compliance with the treaty and is seeking to extend it, would be grave in the short and long term. Without New START in place, Russia would be able to upload hundreds of nuclear weapons onto its current strategic nuclear platforms.

This rapid expansion of Russia's strategic nuclear arsenal would place the United States at a strategic disadvantage, necessitating a fundamental reconsideration of our force posture. I look forward to hearing your views on this today.

Fourth, we need to remember the plight of the Russian people, who continue to live under endemic corruption and relentless propaganda. The administration has strayed far from traditional American support for the democratic process, human rights, and universal values. These must be at the center of U.S. policy, especially with respect to Russia.

And fifth, we need to support our friends in Europe, especially those on the front line of Russian aggression. European Deterrence Initiative funding should be increased. Recently, the administration decided to redirect EDI money to the President's border wall. So instead of Mexico paying for the wall as the President promised, our closest allies in Europe will bear the cost. What a deal.

Finally, I want to close on a note about Paul Whelan, the American citizen who has been detained in Russia since last December. If the Russian authorities have evidence, they should charge Mr. Whelan. I, for one, am skeptical that such evidence exists. And if they do not, they should let him go.

In closing, Mr. Chairman, I am under no illusion that President Trump shares my views on these five elements of Russia policy. He has abdicated responsibility for defending this country from the threats posed by the Russian Federation. He is simply either not interested or compromised.

We, in Congress, need to step up to defend our security and our institutions. And next week, I look forward to working with you and others on the committee to vote on legislation towards that end.

The CHAIRMAN. Thank you, Senator Menendez.

We will now turn to our witnesses. First of all, we will hear from David Hale, who has been Ambassador to Pakistan, Lebanon, and Jordan, as well as special envoy for Middle East peace. In Washington, Mr. Hale was Deputy Assistant Secretary of State for Israel, Egypt, and the Levant, and Director for Israel-Palestinian Affairs. He held several staff posts, including Executive Assistant to Secretary of State Albright. A member of the Foreign Service since 1984, he holds the rank of career Ambassador and is a native of Senator Menendez's home State of New Jersey.

So, Ambassador Hale, please. The floor is yours.

Senator MENENDEZ. Mr. Chairman, that is why he is such an exceptional public servant.

**STATEMENT OF HON. DAVID HALE, UNDER SECRETARY OF
STATE FOR POLITICAL AFFAIRS, U.S. DEPARTMENT OF
STATE, WASHINGTON, DC**

Ambassador HALE. Well, thank you very much for that, and good morning, Chairman Risch and Ranking Member Menendez and members of the committee.

I welcome the opportunity to be here today with Assistant Secretary Ford to discuss U.S. policy toward Russia. Under President Trump, the United States has taken consistent action against Moscow's attempts to undermine American interests and those of our allies and partners around the world. The United States will continue to use all appropriate tools of national power, including diplomacy, to address and deter any further such threatening actions from Moscow and to advance and protect the interests of America and our allies and partners as they relate to Russia.

As articulated in the President's National Security Strategy, America is in a period of great power competition. We must structure our policies accordingly. The administration's Russia policy takes a realistic approach. Russia is a determined and resourceful competitor of the United States, although one with significant systemic and economic weaknesses. Those weaknesses hinder its ambitions.

We do not seek an adversarial relationship with Russia. We are open to cooperation with Moscow when it aligns with our and our allies' interests. However, this administration will protect our national security and that of our allies when Moscow attempts to threaten them.

To be effective, American diplomacy toward Russia must be backed by military power that is second to none and fully integrated with our allies and all of our instruments of power. The administration has increased the defense budget to \$716 billion in Fiscal Year 2019 and prioritized nuclear infrastructure investments to maintain a robust nuclear deterrent.

Russia's systemic weakness is reflected in President Putin's aggressive foreign policy, which is driven in part by insecurity and a fear of internal change. This oligarchic regime relies on repression to stifle public discontent, as illustrated by its harsh response to this summer's protests, the largest since 2011. The Russian people increasingly realize that the corrupt Putin regime is either incapable of addressing their problems or, in many cases, is the source of them.

Russia seeks to dominate its immediate neighborhood. In Ukraine, Russia must end its belligerence and implement its Minsk agreement obligations. We are encouraged by the positive steps Ukrainian President Zelensky has taken to resolve the Russia-instigated conflict in Eastern Ukraine. Thus far, we are disappointed by Moscow's response.

The threat from Russia is not just an external or military one. Moscow utilizes digital technologies to target us and our democratic allies from within. These actions include election meddling and complex well-resourced influence operations directed by the highest levels of the Russian government in the very heart of the Western world.

We provide significant foreign assistance in Europe and Eurasia, almost all of which supports building resilience to and increasing pressure on Russian malign influence, in accordance with the Countering Russia Influence Fund. The Department has also increased its support for the Global Engagement Center through additional funding and staffing.

We have degraded Putin's ability to conduct aggression by imposing costs on the Russian state and the oligarchy that sustains it. The administration has sanctioned 321 Russia-related individuals and entities since January 2017. These sanctions and related actions serve as a warning to the Russian government that we will not tolerate any activity aimed at undermining or manipulating our 2020 election. I confronted Deputy Foreign Minister Ryabkov on Russian interference in our elections in July and have raised the matter with Russian Ambassador Antonov several times.

We have likewise taken firm action against Russia's diplomatic presence in America. In response to Russia's imposition of a staffing cap on U.S. diplomatic personnel in Russia, we closed four Russian facilities. When Russia attacked U.K. citizen Sergei Skripal with a military-grade nerve agent, we closed Russian facilities in Seattle and expelled 48 Russian intelligence officials from the Russian embassy.

Our diplomats counter Russian adventurism in other regions, including the Middle East, South America, and Africa, where Russia's actions exacerbate instability and undermine U.S. interests. In Syria, Russian military support to the Assad regime and its attacks against civilians have exacerbated the humanitarian crisis there. In Venezuela, we are pressing Russia to withdraw its diplomatic, military, and economic support for the former Maduro regime. In Africa, we have called out Russia's destabilizing policies, including support for mercenaries.

Russia's serial disregard for its international security and arms control commitments represents another significant challenge for our policy, and therefore, the President has charged us to pursue a new era of arms control agreements.

We know that Congress has a critical role to play in providing the tools and resources to implement our Russia strategy, and we are committed to working with you in this regard.

Mr. Chairman, thank you again for inviting me today, and I look forward to the questions of the committee.

[The prepared statement of Ambassador Hale follows:]

PREPARED STATEMENT OF DAVID HALE

Good morning Chairman Risch, Ranking Member Menendez, and members of the committee. It is a pleasure to be here today with the Assistant Secretary of State for International Security and Nonproliferation to discuss the future of U.S. policy toward Russia.

Under President Trump, the United States has taken consistent action against Moscow's attempts to undermine American interests and those of our allies and partners around the world. The United States will continue to use all appropriate tools of national power, including diplomacy, to address and deter any further such threatening actions from Moscow and to advance and protect the interests of America and our allies and partners, as they relate to Russia.

As articulated in the President's National Security Strategy or NSS, America is in a period of great-power competition. We must structure our policies accordingly. The administration's Russia policy is part of the broader NSS and takes a realistic approach to Russia as a determined and resourceful competitor of the United

States—although a competitor with significant systemic and economic weaknesses that hinder its ambitions to restore its great power status and re-impose its archaic notions regarding spheres of influence. To advance broader American interests, we fundamentally do not seek an adversarial relationship with Russia. We remain open to cooperation with Moscow when it aligns with our and our allies' interests. However, there should be no doubt that this administration will protect our national security, and that of our allies, when Moscow attempts to threaten us.

Russia's systemic weakness is reflected in President Putin's aggressive foreign policy, which is driven, in part, by insecurity and a fear of internal change. This oligarchic regime increasingly relies on repression to stifle public discontent, as illustrated by its harsh response to this summer's protests in Moscow and other Russian cities, the largest since 2011. The Russian people increasingly realize that the corrupt Putin regime is either incapable of addressing their problems or, in many cases, is the source of them. Putin's approval ratings have dropped since early 2018. A November survey by the independent Levada Center showed that 53 percent of young Russians would like to "vote with their feet," and emigrate from Russia, the highest percentage in the survey since 2009.

The regime's latest steps to quash dissent contradict Russia's international commitments to protect the fundamental freedoms of its citizens, and include new laws tightening control of the internet and labelling individuals, not just organizations, as "foreign agents." Russian security services launched a parallel clampdown on independent human rights NGOs and increased persecution of minority religious groups. Targets have included the Jehovah's Witnesses, eight of whom were sentenced to long prison terms for peacefully practicing their faith. These latest steps further extend Putin's systematic efforts to stifle civil society since he returned to the Russian presidency in 2012.

The pattern of Russian repression at home, aggression against its neighbors in Eastern and Central Europe, attacks on democratic institutions against our allies and here in the United States, and adventurism in the Middle East, Africa, and South America, all spring from this relative weakness and insecurity. At least for the short term, this dynamic will likely continue, with the regime miscasting America as the cause of Russia's domestic woes and using foreign adventures in an effort to distract Russians from reality.

The administration's Russia policy is designed to confront Russian aggression globally by strengthening the diplomatic, military, economic, and political foundations of American power. Diplomacy is a tool of national security, and the day to day work of our diplomats in European and other capitals is critical to the success of every aspect of the administration's Russia policy. The Department of State's diplomatic efforts reflect this administration's commitment to bolster our alliances and partnerships to deter or reject Russian aggressive actions. The Department also supports bilateral engagement with Russia when it is in our interest to do so, including to stabilize our relationship so that the United States can address key American national security priorities. We maintain channels of communications with Russia on Syria, Afghanistan, Ukraine, North Korea, arms control, counterterrorism, and other bilateral matters.

The National Security Strategy recognizes that, to be effective, American diplomacy toward Russia must be backed by "military power that is second to none and fully integrated with our allies and all of our instruments of power." To this end, the administration has:

- Increased the defense budget to \$716 billion in FY19;
- Prioritized infrastructure investments in the U.S. nuclear arsenal to maintain a robust nuclear deterrent;
- Increased funding for the European Deterrence Initiative (EDI) by close to \$15 billion from FY17–19, with an additional \$5.9 billion requested for EDI in FY2020; and
- Worked with NATO allies to enact the largest defense spending increase since the Cold War. By the end of 2020, our NATO allies will have increased defense expenditures by an additional \$100 billion.

In its immediate neighborhood, Russia seeks to dominate, as demonstrated by its ongoing aggression against Ukraine and Georgia. In Ukraine, Russia must end its belligerence and implement its Minsk agreement obligations. We are encouraged by the positive steps Ukrainian President Zelensky has taken to resolve the Russia-instigated conflict in eastern Ukraine; thus far, we are disappointed by Moscow's response. The December 9 Normandy format summit provides an opportunity to test Russia's willingness to reverse its harmful behavior. We condemn Russia's continued militarization of Crimea and in July 2018, the Secretary of State issued a Cri-

mea declaration stating that the United States will never recognize Russia's attempted annexation of the peninsula. The construction of the Nord Stream 2 pipeline and Moscow's unhelpful approach to trilateral gas negotiations with the EU and Ukraine give Russia a new instrument for its strategy of using energy as a political weapon.

To increase the resiliency of our Ukrainian and Georgian partners, we have obligated over \$1.6 billion in state and DoD military assistance to Ukraine. This assistance is enhancing Ukrainian defense capabilities including to monitor and secure its borders, deploy its forces more safely and effectively, and improve interoperability with NATO forces. Our assistance has saved lives while helping to build Ukraine's long-term defense capacity. We have likewise provided Georgia over \$170 million in Foreign Military Financing since 2014, including \$94.5 million in FY2018–2019, to improve its resilience to Russian aggression, enhance its territorial defense, and support its military transformation efforts and interoperability with NATO.

NATO is establishing two new NATO Commands, one in the United States focused on securing critical transatlantic sea lines of communication, and one in Germany to enhance logistics support. These NATO Commands will create support teams to help our allies confront new and evolving threats such as cyber-attacks. They also will launch major, multi-year initiatives to bolster the Alliance's mobility, readiness, and decision-making capabilities. The Alliance is also strengthened by the inclusion of additional members. In June 2017, Montenegro joined NATO. Thanks to the work of this Committee and the whole Senate, North Macedonia is on track to become NATO's newest member once the remaining NATO member state consents to the treaty, as the Senate did in October.

The threat from Russia is not just an external or military one. Moscow utilizes digital technologies to target us and our democratic allies from within. These actions include election meddling and complex, well-resourced influence operations—directed by the highest levels of the Russian government—in the very heart of the western world. Russia does not discriminate along political ideology or party lines. It aims to undermine democratic institutions—including in places like Chile—by exacerbating the divisions inherent in a democratic, pluralistic society. Understanding this threat is essential for developing a long-term response.

The Department of State is working closely with interagency counterparts and our allies to counter Russian influence operations, both domestically and abroad. We have provided significant foreign assistance in Europe and Eurasia to build resilience to and increase pressure on Russian malign influence in accordance with the goals of the Countering Russian Influence Fund established by Congress. The Department has also increased its support for the Global Engagement Center (GEC) through additional funding and staffing; the FY2020 State Department Budget requested \$76.5 million for the GEC, a \$23 million increase over the FY2019 request.

We support the U.S. Agency for International Development (USAID) in its efforts to advance the development of USAID's partner nations in Europe and Eurasia through the Countering Malign Kremlin Influence Development Framework (CMKI). The CMKI Development Framework responds to the challenge of malign Kremlin influence by strengthening the economic and democratic self-reliance of these countries. The Framework focuses on key sectors for development in Europe and Eurasia, including democracy and the rule of law, the news and information space, and the economic and energy sectors. While the Kremlin seeks to weaken and strong-arm its neighbors, the administration via USAID seeks to enable governments, civil society, and the private sector to make their own choices and build self-reliance by strengthening institutions and creating new economic opportunities.

These tools are making a difference. This summer, the Department executed a successful campaign to counter Russian disinformation that sought to undermine the "Baltic Way" and the commemoration of the thirtieth anniversary of the human chain created by two million Latvians, Lithuanians, and Estonians to stand up for freedom from the Soviet Union. The GEC, working with allies across Europe, coordinated a series of live events, social media campaigns, and news broadcasts across these countries. The campaign, which spread throughout social media, was an exercise in shared messaging to strengthen transatlantic ties and counter disinformation. Showcasing the success of the three Baltic countries since the 1989 revolutions and the fall of the Berlin Wall directly counters false Russian disinformation narratives about the Baltics as "failed states."

As another element of this integrated response, we have degraded Putin's ability to conduct aggression by imposing costs on the Russian state and the oligarchy that sustains it. The administration has sanctioned 321 Russia-related individuals and entities since January 2017. For example, on September 30, the United States increased our sanctions on Russian oligarch Yevgeniy Prigozhin by targeting his as-

sets, and other actors associated with the Internet Research Agency for their efforts to influence the 2018 midterm elections. These sanctions, and other corresponding actions, serve as a warning to the Russian government ahead of the 2020 elections that we will not tolerate any activity by Moscow or its proxies aimed at undermining or manipulating our democratic processes. I confronted Deputy Foreign Minister Ryabkov on Russian interference in our elections during our July meeting in Helsinki, and have raised the matter with Russia Ambassador Antonov several times.

We have likewise taken firm action against Russia's intelligence presence in America in response to Russia's bad behavior, including its actions to undermine our diplomatic presence in Russia. In response to Russia's imposition of a staffing cap on U.S. diplomatic personnel in Russia, we closed the Russian Consulate General and consul general's residence in San Francisco; an embassy annex in Washington, DC; and a consular annex in New York. When Russia brazenly attacked U.K. citizen Sergey Skripal in March 2018 with a military-grade nerve agent, we closed the Russian Consulate General and consul general's residence in Seattle, eliminating Russia's diplomatic presence on the west coast of the United States, and expelled 48 Russian intelligence officials from the Russian Embassy in Washington. We also expelled 12 intelligence officers from the Russian Mission to the United Nations. These combined actions in March 2018 constituted the largest expulsion of Russian officials since the Cold War.

I mentioned earlier the valuable role American diplomats play in advancing the administration's Russia policy—our personnel in Moscow, Yekaterinburg, and Vladivostok are the forefront of this effort. Even as Russia has cut the size of our diplomatic staffing in Russia, the critical work requirements of our diplomatic mission to Russia have not changed. Our diplomats in Russia represent the very best the Department has to offer. They have taken on far more responsibilities and kept pace on one of the administration's top foreign policy priorities, even as the environment in which they operate has steadily become worse. We all should give credit to their service.

Elsewhere, our diplomats are seized with countering Russian adventurism in other regions—including the Middle East, South America, and Africa—where Russia's actions exacerbate instability and undermine U.S. interests. In Syria, Russian military support to the Assad regime and its attacks against civilians and civilian infrastructure are destabilizing and have exacerbated the humanitarian crisis in that country. We continue to stress to Moscow that the only way to resolve the conflict is through the U.N. facilitated political process in line with UNSC Resolution 2254. In Venezuela, we are pressing Russia to withdraw its diplomatic protection and military and economic support, through Rosneft, for the former Maduro regime, which has created a humanitarian disaster that radiates into neighboring countries. In Africa, we have called out Russia's destabilizing policies, including support for mercenaries like the U.S.-sanctioned Wagner Group—an outfit also active in Libya, Ukraine, and Syria. Furthermore, the Wagner Group and similar actors have advanced disinformation campaigns and election meddling schemes, weakening already fragile states throughout the continent.

As the Assistant Secretary of International Security and Nonproliferation will describe in more detail, Russia's serial disregard for its international security and arms control commitments represents another significant challenge for our policy. To address this challenge, the President has charged us to pursue a new era of arms-control agreements. We have not ruled out an extension of New START, but our priority is to promote arms control that goes beyond the confines of a narrow, bilateral approach by incorporating other countries—including China—and a broader range of weapons—including non-strategic nuclear weapons.

We fully appreciate that Congress has a critical role to play in providing the tools and resources needed to address and implement all aspects of our Russia strategy. We are committed to working with all of you to counter the threats and challenges posed by Russia.

Mr. Chairman, thank you again for inviting me today to discuss our policy towards Russia. I look forward to your questions.

The CHAIRMAN. Thank you, Ambassador Hale.

We now have Dr. Christopher Ford. He is Assistant Secretary for International Security and Nonproliferation. He has also been delegated the authorities and functions of the office of the Under Secretary for Arms Control and International Security. Dr. Ford previously served as Senior Director for Weapons of Mass Destruction and Counter-proliferation at the National Security Council.

Dr. Ford began his public service in 1996 as assistant counsel to the Intelligence Oversight Board and then served on several congressional staffs. He has served as Principal Deputy Assistant Secretary in the State Department's Bureau of Verification and Compliance and as U.S. Special Representative for Nuclear Non-proliferation.

From 2008 to 2013, he was a senior fellow at the Hudson Institute. A native of Cincinnati, he is the author of three books and holds both a doctorate and a law degree.

Dr. Ford, welcome. The floor is yours.

STATEMENT OF HON. CHRISTOPHER A. FORD, ASSISTANT SECRETARY FOR INTERNATIONAL SECURITY AND NON-PROLIFERATION, U.S. DEPARTMENT OF STATE, WASHINGTON, DC

Dr. FORD. Thank you, Chairman Risch, Ranking Member Menendez, and members of the committee for having us here.

In his remarks, Under Secretary Hale has summarized the broad sweep of our strategy to approach the challenges that Russia presents us with today. In my own testimony, I would like to address these questions from the perspective where I am, exercising delegated authorities of the Under Secretary, as you mentioned.

I will abbreviate my remarks for oral delivery, and I would respectfully request that the full version be entered into the record.

The CHAIRMAN. They will be entered.

Dr. FORD. Thank you, sir.

From the perspective of arms control and the ongoing challenges of managing our relationship and in a strategic sense with Moscow, Mr. Chairman, I think it is important to remember that we come to all of these tasks out of a long background not just of tensions and problems, but also of some notable successes over time. The changes in the strategic environment that were occasioned by the waning and then the end of the Cold War made possible an enormous lessening of nuclear tensions and in a strategic arms reduction that has seen both countries' nuclear arsenals come down to small fractions of what they once were.

I mention this because I think it is important to remember this background. It reminds us that it is possible to make progress in reducing nuclear tensions and the intensity of our strategic stand-off with Moscow when the circumstances of the security environment are conducive to such movement. We hope to get back to such an environment, Mr. Chairman, and our policies are designed to help make this possible, as well as to protect the security of the American people and that of our allies until that point.

For now, however, of course the security environment is, indeed, very challenging. Russia is presently developing an extraordinary new bestiary of nuclear delivery systems for which there are no U.S. counterparts and most of which seem likely to fall outside existing arms control frameworks. Russia also has a large arsenal of nonstrategic nuclear weapons, up to 2,000 of them, a vastly larger stockpile than we have, and it is projected to expand this number of weapons considerably over the next decade.

Most observers, Mr. Chairman, will, of course, be familiar with the Russian 9M729 ground-launched cruise missile, which we call

the SSC-8. Production and deployment of that system placed Russia in material breach of the INF Treaty, and Russian unwillingness to change course in that regard forced us into the unhappy position of having to withdraw from the treaty in the wake of those Russian violations.

But that SSC-8 is only one of a broad range of new Russian ground-, sea-, and air-based nuclear or dual-capable delivery systems. These systems have more accuracy, longer ranges, and lower yields than before, and they are coming online in support of a Russian nuclear doctrine and strategy that emphasizes, and periodically demonstrates in exercises, both coercive and military uses of nuclear weaponry.

We assess that Russia does still remain in compliance with its New START obligations, but its behavior in connection with most other arms control agreements and not merely the ill-fated INF has been nothing short of appalling. As indicated in Under Secretary Hale's statement, Russia remains in chronic noncompliance with its conventional arms control obligations, and it is only selectively fulfilling others.

There is also the problem, of course, of chemical weapons, where Russia condones and seeks to ensure impunity for continued violations of the Chemical Weapons Convention by its Syrian client state. Further alarming is that Russia has itself used chemical weapons in violation of the Chemical Weapons Convention by developing and using a so-called "novichok" military-grade nerve agent on the territory, as Chairman Risch indicated, of a NATO ally, United Kingdom, in 2018.

Moscow is also up to no good in new and emerging domains of actual or potential future conflict, such as cyberspace and outer space. It has been developing capabilities in all these respects, and even as it has been trying to promote hollow and disingenuous arms control proposals that would not address the challenges that Russia itself is working very hard to create. So this track record is a miserable one.

I would refer you to my written statement for some of the details of how our responses are being directed, but I would stress that we are working to address these challenges on multiple fronts. They are robust, and they are extensive.

These efforts in the Department of State are being approached increasingly systematically as we coordinate them into an integrated strategy for pushing back against Russian mischief. The U.S. National Security Strategy makes very clear that it is our duty to take great power competition seriously, and we are doing so.

It is this kind of resolution and focus, Mr. Chairman, in the face of national security threats that I think we very much need and that can be our ticket to getting through this phase of geopolitical competition. We need to stay on course, maintaining our solid deterrence strategy, completing our own nuclear and military modernization, continuing to reassure our allies not just of our capacity, but of our enduring willingness to side with them against intimidation and aggression and keeping of all these initiatives on track while still seeking good faith negotiation to advance shared interests where it is possible.

If we can do that, I think we can stabilize the situation and, indeed, turn things around, and that is what our policy is devoted to.

Thank you, Mr. Chairman.

[The prepared statement of Dr. Ford follows:]

PREPARED STATEMENT OF CHRISTOPHER A. FORD

COUNTERING RUSSIAN INTIMIDATION AND AGGRESSION AND BUILDING A BETTER SECURITY ENVIRONMENT

Chairman Risch, Ranking Member Menendez, and members of the Committee, thank you for inviting me.

I am pleased to join Under Secretary of State for Political Affairs in briefing you on the various ways in which we are working at the Department, under the Secretary of State's leadership, to meet the challenges of competitive strategy that have been forced upon us by Russia's continuing efforts to be—as the Under Secretary has described—a determined and resourceful strategic rival of the United States.

In his remarks, the Under Secretary has summarized the broad sweep of our strategy to approach these challenges. In my own testimony, I will address these questions from the perspective of my current duties exercising delegated authorities of the Under Secretary of State for Arms Control and International Security across the so-called “T” family of bureaus at the Department. I will abbreviate my comments for oral delivery today, but I respectfully request that my full prepared remarks be entered into the record.

I. A BACKGROUND OF HOPE

From the perspective of arms control and the ongoing challenges of managing our strategic relationship with Moscow, Mr. Chairman, it is worth remembering that we come to these tasks out of a long background not just of tensions and problems but also of some notable successes. The changes in the strategic environment that were occasioned by the waning and then end of the Cold War made possible an enormous lessening in nuclear tensions and in strategic arms reductions that have seen both countries' nuclear arsenals come down to small fractions of what they once were—in the U.S. case, a reduction of an extraordinary 88 percent or so.

It's important to remember this background, because it reminds one that it is possible to make progress in reducing nuclear tensions and the intensity of our strategic standoff with Moscow when the circumstances of the security environment are conducive to such movement. We hope to get back to that kind of environment, of course, and to contribute to this—as I will mention in a moment—we seek a new arms control relationship with Moscow to forestall the destabilizing global arms race that Russia's policies and posture today threaten to create.

II. AN ARRAY OF RUSSIAN CHALLENGES

For now, however, the security environment is indeed challenging, thanks in large part to Russia's destabilizing actions. Even leaving aside the broader aggression and revisionism in Russian behavior under the Putin regime, the diversification and expansion of Russia's nuclear arsenal—and the increasing salience of such weapons in its strategy and doctrine—are troubling and destabilizing.

Russia is presently developing an extraordinary new bestiary of nuclear delivery systems for which there are no U.S. counterparts. These include not merely the new Sarmat intercontinental ballistic missile (ICBM), but also hypersonic delivery vehicles, a nuclear-powered underwater drone, and the madly reckless “flying Chernobyl” of the Burevestnik nuclear-powered cruise missile—a flying, nuclear reactor which recently experienced a flash meltdown that killed several Russian technicians and released radioactive contamination while the Russians were trying to recover it after having left it sitting on the bottom of the White Sea for a year, a mere 30 kilometers from the city of Severodvinsk.

Russia also has a large arsenal of non-strategic nuclear weapons: up to 2,000 of them, a vastly larger stockpile than we have. This Russian arsenal was already a source of concern in Washington when the New START agreement was before the Senate in 2010—so much so that the Senate at the time made clear that addressing Russia's non-strategic nuclear weapons needed to be a high priority for any future arms control agreement—but the problem is getting worse. Russia is projected to expand its number of non-strategic weapons considerably over the next decade.

Mr. Chairman, most observers will be familiar with the Russian 9M729 ground-launched cruise missile (GLCM), which we call the SSC-8. Production and deployment of that system placed Russia in material breach of the Intermediate-Range Nuclear Forces (INF) Treaty. Russian unwillingness to return to full compliance led the United States to suspend, and eventually withdraw, from the INF Treaty. Yet the SSC-8 is only one of a broad range of new Russian ground-, sea-, and air-based nuclear or dual-capable delivery systems. These systems have more accuracy, longer ranges, and lower nuclear yields than before, and they are coming on line in support of a Russian nuclear doctrine and strategy that emphasizes—and periodically demonstrates, in large-scale exercises—both coercive and military uses of nuclear weaponry.

We assess that Russia does still remain in compliance with its New START obligations, but its behavior in connection with most other arms control agreements—and not merely the ill-fated INF Treaty—has been nothing short of appalling. As indicated in the Under Secretary’s statement, Russia remains in chronic noncompliance with its conventional arms control obligations in the Conventional Armed Forces in Europe (CFE) Treaty, and it is only selectively fulfilling its commitments under the Vienna Document.

And then there is the problem of chemical weapons, where Russia condones and seeks to ensure impunity for continued violations of the Chemical Weapons Convention (CWC) by its Syrian client state. Further alarming is that Russia has violated the CWC itself—most dramatically, by developing and using a “novichok” nerve agent on the territory of a NATO ally, the United Kingdom, in 2018. This violation underscores that Russia failed to completely declare and destroy its complete chemical weapons program in contravention of the CWC. As the Under Secretary noted, Russia also implements the Open Skies Treaty only selectively; this causes concern because such selectivity risks undermining the Treaty’s confidence-building benefits, which are rooted in the demonstrable openness of being willing to allow overflights anywhere (and not merely over what one does not care to conceal). Furthermore, Russia’s decision to leave the International Partnership for Nuclear Disarmament Verification (IPNDV), ultimately taking China with it, was also a blow to international efforts to make continued progress on disarmament.

Moscow is also up to no good in new and emerging domains of actual or potential future conflict. In cyberspace, even while using malicious cyber behavior to meddle with democratic processes and intimidate leaderships abroad, Russia is working with China to co-opt and subvert discourse on international stability between states in cyberspace by turning it into a tool to help authoritarian governments exert so-called “sovereign” control over the information their populations are permitted to see and express.

Russia has also been developing capabilities that have turned space into a warfighting domain. It openly brags of having a ground-based laser system designed to “fight satellites in orbit,” for instance, and it is developing a ground-launched anti-satellite (ASAT) missile and conducting sophisticated on-orbit activities in support of its counterspace capabilities. And it has been doing this while advocating hollow and hypocritical arms control proposals for the “prevention of placement of weapons in outer space.”

Mr. Chairman, this is obviously a miserable record. And that is even before taking into account persistent questions that remain about Russia’s compliance with the Biological and Toxin Weapons Convention (BTWC) in light of the fact that Russia shows no sign of ever having rid itself of the secret and illegal biological weapons program that President Yeltsin actually admitted Russia possessed—and which President Putin has gone back to denying.

Nor have I yet mentioned Russia’s troubling diplomatic campaigns to undermine institutions of transparency and accountability in controlling weapons of mass destruction at the Organization for the Prohibition of Chemical Weapons (OPCW), the International Atomic Energy Agency (IAEA), and the United Nations. All of this would add up to a very grim picture even if Russia were not continuing its aggression and territorial seizures against Ukraine and Georgia, undertaking expeditionary warfare on behalf of the murderous regime in Damascus, and working to subvert democratic processes in the United States, Europe, and elsewhere.

III. A ROBUST AMERICAN RESPONSE

As the Under Secretary outlined, however, we are certainly not taking all of this sitting down. From the perspective of the State Department’s “T” bureaus alone, we are working to address these challenges on multiple fronts.

Since 2014, in response to Russian aggression in Ukraine and Georgia, the United States has dramatically increased security assistance across the region, which sig-

nifies our steadfast commitment to collective defense under the North Atlantic Treaty and our continued support to European Allies and partners to counter Russian aggression and malign influence.

For example, as the Under Secretary highlighted, State and DoD have provided over \$1.6 billion in security assistance to Ukraine alone, in addition to significant assistance to key allies who are menaced by Russia's aggressive behavior. State, in particular, is using Foreign Military Financing (FMF)—through such programs as the Countering Russian Influence Fund (CRIF), the Black Sea Maritime Domain Awareness Program, and the European Recapitalization Incentive Program (ERIP)—to build defensive military capabilities, enhance territorial national defense to include border and maritime security, increase cyber security defenses, improve NATO-interoperability, and reduce partners' dependency on Russian-legacy equipment.

As the diplomatic interface between the U.S. defense sector and such recipients, the Political-Military Affairs (PM) Bureau has been instrumental in helping preserve the security and political autonomy of multiple U.S. allies, partners, and friends, and ensures State and Department of Defense funding and programs are closely coordinated to further our diplomatic and military objectives. Further from 2015–2018, the State Department authorized a total of \$1.75 billion in nationally-funded Foreign Military Sales and \$603 million in Direct Commercial Sales to Eastern Europe.

Nor is that all. The Bureau of International Security and Nonproliferation (ISN) continues to provide several million dollars in capacity-building programming to support Ukraine, helping its export control system prevent smuggling of nuclear materials originating in Russia and helping its Maritime Border Guards rebuild themselves in order to be able to police the new maritime border they face as a result of Russia's invasion and attempted occupation of Crimea.

ISN has also been very active all around the world for the last 2 years in diplomatic outreach leveraging the threat of sanctions under Section 231 of the Countering America's Adversaries Through Sanctions Act of 2017 (CAATSA). CAATSA is a potent tool that Congress has given us, and we have been using it to cut back the revenue streams the Kremlin derives from overseas arms sales and to undermine the malign strategic relationships and geopolitical dependencies that Moscow builds through its arms trade. Even though we have only invoked Section 231 sanctions once—against China last year for taking delivery of Sukhoi fighter aircraft and S-400 missiles from Russia—we have so far managed to shut down billions in Russian arms sales that would likely otherwise have taken place. In conjunction with our PM colleagues, who seek to help U.S. friends and partners find alternatives to Russian equipment, we will be vigorously continuing this CAATSA diplomacy in 2020.

We have also been imposing costs on Russia for some of its more egregious behavior—specifically, through sanctions on Russia under the Chemical and Biological Warfare (CBW) Act of 1991 in response to Russia's novichok attack in Britain. And we have continued to impose sanctions against Russian entities that supply weapons to programs of concern under the Iran, North Korea, and Syria Nonproliferation Act (INKSNA), as we announced most recently in May 2019.

Meanwhile, the State Department's Office of the Coordinator for Cyber Issues (S/CCI) has been working to blunt Russian efforts to weaponize discourse on state behavior in cyberspace. As our answer to such disingenuous and dangerous Russian (and Chinese) efforts, we are working with likeminded foreign partners to promote norms and standards of responsible behavior that we hope will become "best practices" for all nations in cyberspace, and to build international cooperation to hold states such as Russia accountable when they transgress those norms.

For its part, the Arms Control, Verification, and Compliance (AVC) Bureau continues efforts to bring Russia back into compliance with its arms control agreements and norms, and works to draw attention to Russia's destabilizing pursuit of exotic nuclear weapons and new domains of warfare. One example of this is the ongoing engagements with foreign counterparts to advance effective and non-legally binding transparency and confidence building measures and guidelines that promote responsible behavior in outer space.

I would like to stress, Mr. Chairman, that these State Department efforts are being approached increasingly systematically, as we coordinate them into an integrated strategy for pushing back against Russian mischief. The U.S. National Security Strategy makes clear that it is our duty to take great power competition seriously after many years of post-Cold War neglect, and we are doing so. At the ISN Bureau, for instance, we have been working to posture ourselves better in this regard, including by leveraging nonproliferation-derived tools and skills—such as in using export controls, sanctions, and interdiction to keep dangerous technologies out

of dangerous hands—into the competitive strategy arena. Indeed, we are working to replicate this intensity of focus across the whole “T”-family space in support of broader State Department and U.S. Government efforts.

In that respect, Mr. Chairman, though they are not State Department lines of effort in themselves, I would be remiss if I did not at least mention some of the ways in which other parts of the Government are responding to the Russian challenge as well. This administration is firmly committed to keeping the United States’ own nuclear modernization on track—including through replacing legacy delivery systems in order to prevent block obsolescence of our nuclear “Triad,” developing a new sea-launched cruise missile to replace the one scrapped by the Obama administration, developing a lower-yield ballistic missile warhead to help us meet the threat of Russia’s extensive and growing array of analogous devices, deploying the modernized version of our B61 nuclear gravity bomb and ensuring that our allies maintain dual-capable aircraft in order to keep NATO nuclear deterrence relevant in the years ahead, and building the kind of responsive nuclear production infrastructure we need to support defense and deterrence on an ongoing basis.

Similarly, in the wake of the INF treaty’s demise as a result of Russian violations, the United States is now growing the seeds planted by the administration’s INF Response Strategy in 2017. As you will recall, Mr. Chairman, that strategy started the process of exploring, in a treaty-compliant manner, potential U.S. development of INF-class delivery systems as a way to give Moscow a concrete incentive to change course and abandon its illegal SSC-8 program. As it turned out, of course, Moscow refused to come back into compliance, thus killing the INF Treaty. Nevertheless, we are increasingly well prepared to meet U.S. defense needs in the post-INF era. At present, the Department of Defense has begun research, development, and testing of conventionally-armed ground-launched INF-range systems to provide us and potentially our allies with more options when confronted with the dangerous proliferation of dual-use Russian (and Chinese) missiles worldwide.

IV. BUILDING A NEW, IMPROVED SECURITY ENVIRONMENT

It is this kind of resolution and focus in the face of national security threats, Mr. Chairman, that can be our ticket to getting through this troubling phase of geopolitical competition. If we can stay on course—maintaining our solid deterrence strategy, completing our own nuclear and military modernization, continuing to reassure our allies not just of our capacity but of our enduring willingness to stand with them against intimidation and aggression, and keeping all these various responsive initiatives on track, while seeking good faith negotiation to advance shared interests wherever possible—I believe we can stabilize the situation.

Here is where it is again important to recall our Cold War history. Even during some of the most dangerous days of that perilous rivalry, it was usually possible to communicate and even negotiate with the USSR. It was still possible to find, and to pursue, shared interests—not only in preserving strategic security and using arms control and confidence-building diplomacy to help keep that bilateral arms race from precipitating into chaos, but also in signal accomplishments such as negotiating the Nuclear Nonproliferation Treaty together.

Such engagement, Mr. Chairman, we can yet do. There remain signs of life for constructive dialogue with Moscow, upon which I believe we can build. Russia works with us constructively, for instance, in co-chairing the Global Initiative to Combat Nuclear Terrorism (GICNT), and Russian diplomats have been willing to participate in the pathbreaking new initiative on Creating an Environment for Nuclear Disarmament (CEND). This administration has already had two engagements with Russia in our Strategic Security Dialogue—the first in Helsinki in 2017, in which I had the honor of participating when serving on the National Security Council Staff, and the second last summer with the Deputy Secretary and the Under Secretary for Arms Control and International Security—and we hope to re-engage on this soon, as we build out our vision of a future for arms control.

We made clear in the 2018 Nuclear Posture Review that we seek arms control where it contributes to the security of the United States and our allies, and when it is verifiable and other parties comply with their obligations. In fact, the President has made his personal commitment to effective arms control very clear—and, in particular, to limiting the dangerous Russian and Chinese nuclear ambitions. He has publicly called for us to engage both Moscow and Beijing in a new project of tri-lateral arms control to help effectively manage strategic competition and build towards a better, safer, and more prosperous future together.

As the Secretary of State has made clear, we have convened teams of experts to explore the way forward, including the question of possibly extending New START, which would otherwise expire in early 2021 but could be extended for up to 5 years

by agreement with Russia. We are hard at work on these issues, and hope to have more to say about this soon. Let me say, Mr. Chairman, that I am personally excited about the prospect of building out our new arms control initiative. I look forward to keeping this Committee informed of these developments, and to working with you and your colleagues closely.

V. CONCLUSION

Clearly, Mr. Chairman, we face formidable challenges in the current security environment—many of them specifically the result of Russian behavior. I would submit, however, that there are also grounds for hope. Even as we work resolutely to counter Russian intimidation and aggression everywhere it raises its head, I can assure you that we at the State Department are keenly focused upon turning such hope into reality, while continuing to protect the national security interests of the American people.

The CHAIRMAN. Thank you. I am going to ask a question to start with. Then we will do a 5-minute round.

Mr. Ford, for you, give me your thoughts, if you would. As you know, I was one of the strong opponents of New START. New START now has been in place as long as it has, and obviously, we cannot talk about—in this setting, we cannot talk about absolute compliance by the Russians. But from a general standpoint, I think we can say that they are substantially more in compliance with the New START, with their major weapons, than they ever were with the more intermediate weapons that were covered by the INF.

Why the disparity there? Why were they so far out of whack on INF and ignored us as far as the pressing we did to get them to comply? Why the difference between the two treaties and the two agreements and the difference in the weaponry systems?

Dr. FORD. Well, Mr. Chairman, I would hesitate to try to get into Mr. Putin's head in this respect. But they clearly made a decision that they felt they wanted to have the capabilities that the INF Treaty did not allow them to have. They seem to have assumed that we would remain compliant with the treaty, even if we found out—

The CHAIRMAN. And they were right in that regard?

Dr. FORD. They were absolutely correct, sir. We were scrupulously compliant for the entirety of our period in the treaty. That certainly—that is something we are now working to try to address the challenge of meeting those Russian threats with the development of new conventionally armed intermediate range systems, such as the ground-launched cruise missile that was successfully flight tested last August.

But, yes, they assumed we would remain in compliance and that they—and indeed, they were correct for a while that they would be able to get away with not just testing, but developing and deploying a treaty-prohibited system in the hope that we would not respond to it. Why they did not do something like that with New START is something that I would not be in a position to hazard a guess about, but they do not seem to have decided they needed to.

But I would point out, Mr. Chairman, that Russia is developing today and, indeed, openly brags about the development of new strategic delivery systems, most of which it is very difficult to imagine would ever be brought within the New START arms control framework. We have seen President Putin brag about his development

of a new super heavy ICBM, about development of a nuclear-powered and nuclear-armed underwater drone.

We are now all familiar with the sort of “flying Chernobyl” disaster of their nuclear-powered cruise missile that had such a catastrophic—or criticality incident, I should say, up in the White Sea area just last August. They are developing a whole range of systems, including an air-launched ballistic missile. Most of these are not likely to fall within New START, and these are things on which the Russians are already working very hard today.

So, and that is leaving aside the issue of their development of nonstrategic weapons. As I indicated, they already have a large arsenal, and it is projected to grow dramatically over the next decade or so as well. So these are things Russia is already deciding to do and moving out upon outside of the framework of current arms control, and that is something that we need to make sure that our policy is in a position to address.

The CHAIRMAN. Thank you, Dr. Ford.

Senator Menendez.

Senator MENENDEZ. Thank you.

Secretary Hale, did Russia interfere in the 2016 election in favor of Donald Trump? Could you put your microphone on, please?

Ambassador HALE. Yes, the intelligence community assessed that Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at our presidential election.

Senator MENENDEZ. Was the Kremlin’s interference in our 2016 election a hoax?

Ambassador HALE. No.

Senator MENENDEZ. Are you aware of any evidence that Ukraine interfered in the 2016 U.S. election?

Ambassador HALE. I am not.

Senator MENENDEZ. You know, I appreciate Dr. Fiona Hill’s testimony before the House, the former National Security Council Director for Europe and Russia, who said that that theory is a fictional narrative that is being perpetrated and propagated by the Russian security services themselves. Do you have any reason to disagree with Dr. Hill?

Ambassador HALE. I do not.

Senator MENENDEZ. In February of 2017, at a press conference with Hungarian Prime Minister Viktor Orban, President Putin himself suggested that Ukraine interfered in the 2016 U.S. election, did he not?

Ambassador HALE. I do not recall that myself, but I do not doubt that.

Senator MENENDEZ. Okay. He said at a 2017 press conference, “As we all know, during the presidential campaign in the United States, the Ukrainian government adopted a unilateral position in favor of one candidate. More than that, certain oligarchs, certainly with the approval of the political leadership, funded this candidate—or female candidate, to be more precise.”

Has this been a regular Russian propaganda point since then?

Ambassador HALE. I have not followed that that has been a regular point, but I do not follow that on a day-to-day basis.

Senator MENENDEZ. Would it be in Putin’s interest to push such a narrative?

Ambassador HALE. Possibly.

Senator MENENDEZ. Possibly. Well, let me ask you. You are the Under Secretary here. How is it that on something as critical as Russia, vis-a-vis the United States and our national security interests, you would think that it would only possibly be in Putin's interest to push a narrative? What would be the other possibilities?

Ambassador HALE. I will say yes to your question, sir.

Senator MENENDEZ. Did President Putin make this point to President Trump when they met in Helsinki last year in any of their conversations?

Ambassador HALE. I do not know.

Senator MENENDEZ. That is the problem. Neither do we. It is a big problem, and especially when the President meets alone with Putin and even confiscates the notes of his interpreter. But it is curious that Ukrainian interference in the 2016 election does not appear to be the position of senior diplomats like yourself or any intelligence official. Yet this lie makes it somehow, somehow into the President's talking points.

Is our national security made stronger or weaker when members of the administration or Members of Congress insist on repeating debunked Russian lies?

Ambassador HALE. That does not serve our interests.

Senator MENENDEZ. Now let me turn to sanctions. Does the administration have authority under Section 232 of CAATSA to impose sanctions against Russian pipelines?

Ambassador HALE. I do not know that we have that exact authority. I am not an expert when it comes to pipelines.

Senator MENENDEZ. Well, let me offer to you that the answer is yes, as one of the authors of CAATSA. The administration has the authority under Section 232 of CAATSA to impose sanctions against, among other things, Russian pipelines. Then why has the administration not imposed sanctions on Nord Stream 2? The President talks tough about this pipeline, but the administration has not lifted a finger to prevent its construction.

This committee passed legislation to require Nord Stream 2 sanctions. They will likely be included in the NDAA. Senator Shaheen, Senator Cruz are the authors of that. But every day that ticks by is one more where another pipe is laid, and you could act today. Do you have any idea why you have not acted in this regard?

Ambassador HALE. Well, I will say that we, like you, oppose the Nord Stream 2 pipeline, and we have made our opposition—

Senator MENENDEZ. If you oppose it, you have the power to do something about it. Why—I am trying to get a sense, is there a policy reason why you have not actually pursued the sanctionable authority you have under the law to be able to stop what the administration opposes?

Ambassador HALE. We have been so far using—trying to use other tools to stop the Nord Stream 2 pipeline from going forward by working with our allies in the EU in particular in that regard. I know that the—

Senator MENENDEZ. The most powerful opportunity would be to create a huge problem for the companies involved that would lay the pipeline knowing that they would be sanctioned, and that

would be the most powerful tool. You have it, and you have not used it.

Let me ask Secretary Ford. Are CAATSA sanctions mandatory?

Dr. FORD. Depends which section of CAATSA you are referring to, but I believe if you are talking about Section 231, Senator, I think that it is a "yes," sir.

Senator MENENDEZ. And what is the trigger for Section 231 sanctions?

Dr. FORD. The trigger for Section 231 sanctions is a determination by the Secretary of State that a significant transaction, as it is called, has occurred with a—well, with someone on a list of specified persons relating to the Russian defense or intelligence sector.

Senator MENENDEZ. Did Turkey begin to take delivery of the S-400 system on July 12th of 2019?

Dr. FORD. I do not recall the specific date, but that sounds correct, sir.

Senator MENENDEZ. They took possession. There is no question about that?

Dr. FORD. I believe they are in possession.

Senator MENENDEZ. Did Turkey pay for the system?

Dr. FORD. To my knowledge.

Senator MENENDEZ. Public reports suggest anywhere between \$1.5 billion to \$2.5 billion. So a transaction took place. Russia delivered the system, and Turkey paid for it. Is that fair to say?

Dr. FORD. I believe that is correct, sir.

Senator MENENDEZ. Does the presence of the S-400 in Turkey have an impact on U.S. security interests?

Dr. FORD. We believe it does. That is why we have begun unwinding Turkey from its participation in the F-35 fighter program.

Senator MENENDEZ. Does it present a challenge to NATO operations in the region?

Dr. FORD. That is why Secretary of Defense Esper and Secretary Pompeo have made very clear that the F-35 and the S-400 cannot coexist.

Senator MENENDEZ. Now you, in fact, have sanctioned China for purchasing the S-400 from Russia, which I applaud. But you have sanctioned China for the very exact system that is clearly a significant transaction, but Turkey, 144 days later, with delivery, payment, and just recently tested it against an F-16, which I am sure made your negotiations a hell of a lot better to try to get to the conclusion you want, and we still have not sanctioned them.

So you send a global message that, in fact, we are not serious about uniformly enforcing the sanctions that the Congress passed 98 to 2 and that are mandatory. And that is a challenge because other countries will say, well, Turkey got a pass. Why can I not? And the consequences of that undermine the very essence of one of the major sanctions against Russia, which is to undermine its military procurement sales throughout the world.

So this needs to be asked, and I appreciate the chairman, who is soon having a markup to try to move forward. But when you do not ultimately pursue mandatory sanctions, then the discretion that you seek—and other administrations have sought, I acknowledge that—but the discretion that you seek is very tough for some

of us to accept because if you do not do it when you are mandatory, how are we ever going to believe that when you have discretion, you are not going to consistently use the discretion? So this is a problem.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Menendez.

And you are quite right regarding the issue with Turkey, a NATO ally by law. But you are going to have the opportunity, we are all going to have the opportunity to speak on this next week and to help out the administration in that regard. We do intend to have a markup next week on the Turkey bill.

So, with that, Senator Johnson.

Senator JOHNSON. Thank you, Mr. Chairman.

Assistant Secretary Ford, let me just follow up on that and give you the opportunity. What is the reluctance to impose the mandatory sanctions on a NATO ally?

Dr. FORD. Secretary Pompeo has made it very clear that he will comply—we will comply with the CAATSA law. This is a deliberative process that is still currently under way. Ranking Member Menendez is quite correct. We did sanction China for taking possession actually not just of S-400s, but of Sukhoi fighters as well, flankers.

We—they took possession in January of 2018, and it was approximately 8 months later in September that we issued our sanctions determination with respect to the Chinese procurement entity, known as EDD, as well as its director. So that—as the nature of these things go, that was a deliberative process that we needed to work through in order to make sure that we understood the implications and had done our homework with regard to the sanctions that we did impose upon the Chinese procurement entity.

So that is, indeed, the precedent here. It took about 8 months to do that, rather longer than 144 days. The deliberative process with respect to Turkey is still under way, and that is where we presently are, sir.

Senator JOHNSON. Okay. I wanted to give you an opportunity to explain that.

Under Secretary Hale, I want to talk a little bit about the Broadcasting Board of Governors and the capability that has been appropriated before but just has not been particularly used to try and circumvent the firewalls around the Internet into countries like Russia, China, and Iran. They have not used the appropriations. They seem reluctant to do so.

We had the confirmation hearing of Michael Pack, the Director—the nominee to be Director of the Broadcasting Board of Governors. That nomination seems to be a little bit snagged. Hopefully, we can get that individual confirmed.

Can you—is it the administration's policy to aggressively pursue those type of technologies that can circumvent the Internet firewalls imposed by countries like Russia and China and Iran?

Ambassador HALE. Yes, it is.

Senator JOHNSON. Can you expand on that a little bit more? Why have we not done it? There seems to be a real reluctance and to spend more of the money of the Broadcasting Board of Governors, Voice of America, those types of things, Radio Free Europe, on

broadcast programs as opposed to technology that opens up the free Internet to repressed citizens.

Ambassador HALE. I agree with the thrust of your concern, and unfortunately, that is not an area of my direct responsibility. So I will have to get back some answers for you on this.

Senator JOHNSON. But that makes sense to you. Correct?

Ambassador HALE. Yes.

Senator JOHNSON. Okay. Again, hopefully, this committee can pass Michael—or recommend his confirmation to the Senate as soon as possible.

Mr. Hale, I would also just kind of like to get your evaluation of Russia's current relationship with—you only have 2 minutes, so pick and choose. I would like to understand China's thinking—or Russia's thinking right now, their relationship to China, to Iran, and to Turkey.

Ambassador HALE. Well, I think that in general Russian behavior is characterized by opportunism. They look for opportunities in order to deflect attention to their internal problems, and they use aggressive tactics to try to undermine U.S. interests and those of our allies in the West.

So I think in that context and the context of great power competition, Russia and China are finding some congruencies of interests. Both want to sort of subvert our values. Both want to harm our economies. Both want to interfere with our democratic practices.

So I would put that in that context. There are also differences, frankly, of interest between China and Russia, but we need to watch very closely what is happening between those two countries.

When it comes to Turkey, again, I would characterize it as opportunism. Turkey is seeking to promote its own interests in various ways, at times in congruence with us. At other times, we have had to work out our differences. I think Russia seeks to exploit those openings when they can.

With Iran, I say that Russia probably plays a less prominent role in Iran today than in other periods of history. We continue to consult with Russia, by the way, on all of these topics. We would like to find areas where we can find commonalities of interest, but it has been difficult to do that.

But when it comes to North Korea, to Syria, to Iran, to Ukraine, to Venezuela, to Libya, arms control issues, counterterrorism, we do have dialogues to try to find common ground.

Senator JOHNSON. So going back to my original question in terms of the mandatory sanctions under CAATSA, is part of the deliberative process, is part of the concern that in imposing those we are going to basically push Turkey right into the welcoming arms of Russia?

Ambassador HALE. Well, we are obviously not interested in doing that. We want to make sure that Turkey is anchored fully in NATO, as it is today. That is a long-term U.S. strategic objective.

We are trying to, of course, in addition to the points that the Assistant Secretary made, we are in discussions with the Turks on the disposition of the S-400s in a manner that will protect U.S. national security interests and counter Russia's malign influence.

Senator JOHNSON. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Cardin.

Senator CARDIN. Well, let me thank both of our witnesses and thank the chair and ranking member for this hearing.

Secretary, I want to follow up on the questions on the meddling in the elections by Russia. You have indicated you have had conversations with the Russians about the interference in the coming election. Administrator Wray, FBI Director Wray, testified in July before the Senate Judiciary Committee that Russia absolutely intends on trying to interfere with our elections.

So have we just been ineffective in our relationship with Russia to prevent them from trying again in 2020 elections? Has diplomacy failed? Have the sanctions not been used effectively? Has the messaging of this administration not been effective? Or do you disagree with Director Wray?

Ambassador HALE. I agree that Russians are seeking to influence the 2020 elections. Of course, Russian behavior is not just about influencing elections. They also use social media and other cyber tools to try to sow division in our country on a whole host of issues. So we have to have continual focus on this problem.

Another concern, of course, is that there is a deniability element that the Russians hide behind. Now we are able——

Senator CARDIN. So in your conversations with the Russians, is that what they are doing? I am trying——

Ambassador HALE. Yes.

Senator CARDIN. You said you have had conversations. But according to Director Wray, we have not been successful in stopping them from trying to interfere in 2020, at least as of July of this year.

Ambassador HALE. I have been in frequent engagement with my Russian counterpart and with the Russian Ambassador here to expose the information that we have that demonstrates Russian interference, to warn them of the potential consequences if they repeat that performance in 2020.

Senator CARDIN. And that is our strategy? Are we taking any other steps to prevent Russia's interference?

Ambassador HALE. Well, that is our diplomatic message to the Russians. We also have a whole of government approach to defend and deter our Nation from this kind of interference.

Senator CARDIN. You mentioned misinformation. In the Fiscal Year 2017 budget, Congress appropriated \$625 million to the Countering Russian Influence Fund. Can you tell us how effectively that was used in trying to counter the propaganda that you are talking about?

Ambassador HALE. Well, I do not have measurable data with me today, but we are very pleased to have that kind of support so we can, on a global basis, work with our allies and directly to counter Russia's propaganda. They are not just trying to influence our elections. They have been trying to influence elections all along their border, within the EU, particularly those countries that are relatively new democracies.

Senator CARDIN. If my recollection is correct, the administration held up the use of that money for a period of time. Additional congressional pressure was exerted, bipartisan, to utilize that money. You are saying it was very helpful.

Is there a strategy in this administration to seek additional resources in order to counter Russia's propaganda influence?

Ambassador HALE. Yes, I mean, for example, the Global Engagement Center's budget last year—or for the first 2 years was \$30 million. We would like—we are asking for \$76.5 million—

Senator CARDIN. Congress gave you \$600-some million that you did not ask for and did not spend, or at least initially.

Ambassador HALE. I can tell you from where I sit that that kind of support is very helpful.

Senator CARDIN. I want to get to the chairman's point about a strategy. Our foreign policy is always best when it is wrapped within the values of America, what we stand for. And we talked about sanctions working, being strategic. And the Magnitsky sanctions, I would say, are probably the most targeted sanctions for those who are specifically involved in human rights violations.

It is the 10th anniversary of Sergei Magnitsky's death. It was in November. We know that Russia has upped its activities against NGOs, against those defenders of human rights, imprisoning people who dissent with Putin. What is our strategy to make sure that they know they have the support of America and in what they are trying to do in reforming their own country? Do we have a strategy to up the game against Russia in regards to these imprisonments?

Ambassador HALE. Yes, the most powerful thing we can do is speak out, and we do so. And I hope that we will have an Ambassador in Moscow, very grateful for the work of this committee to move that nomination forward because the people on the ground in Russia are hard-working and hard-pressed team at the embassy in Moscow as the first line for speaking out and meeting with and engaging these individuals.

Senator CARDIN. Are you aware there has been a bipartisan letter sent by members of this committee, including—authored by Senator Rubio and myself, suggesting that you look at Magnitsky sanctions in regards to the—

Ambassador HALE. Yes, I am aware of that.

Senator CARDIN. And what is the status of that?

Ambassador HALE. I would have to look into it. Obviously, we have not responded yet, but we certainly intend to.

Senator CARDIN. That letter I think was sent in July. So it has been a while.

Ambassador HALE. Yes.

Senator CARDIN. And the protests, the people that are protesting are still being arrested and imprisoned. I appreciate your words. Actions speak louder than words.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Senator Romney.

Senator ROMNEY. Thank you, Mr. Chairman.

I applaud the fact that the President looked at China and said, look, we have been asleep at the switch here for far too long. China has been aggressively pursuing their national interests, and we have recognized those interests and have taken action appropriately to push back against them. And while I think there is a lot more to be done in developing a strategy that pushes back against China, I applaud the fact that we finally recognized that

we had not been aware of the—or recognized their malevolent intent.

I wonder whether the same is occurring today with regards to Russia on the part of the administration. And I say that because what you have described is a series of actions by Russia that are really extraordinarily alarming, and I just—they are investing aggressively in the Middle East with military personnel, in North Africa, in Latin America, supporting some of the world's worst actors.

They are violating—did violate the INF. And Mr. Ford, you indicated they are about to make a massive investment in increasing the number of nuclear missiles of an intermediate range. They are making a—have made a major investment upgrading their nuclear arsenal. They are developing new technologies, new weaponry.

And of course, the invasions of Georgia and Ukraine. They are interfering in elections around the world and particularly here in the United States.

And so I wonder, what is their ambition? What is their strategy? What is their goal? What are they hoping to achieve? Why are they doing these things that a country that has a declining population, a weak industrial base, really ought to be focusing domestically, given our perspectives, they would be trying to find ways to help their people, to improve their economy. But instead, they are investing massively in weapon systems, in interference around the world. What is their objective?

From our standpoint, from the standpoint of our State Department, what is Russia's strategy? What is their objective? And I will let either of you or both respond to that.

Ambassador HALE. Well, I can start, sir. Thank you for the question.

I agree with so much of what you said about Russian behavior. That is why we have to impose costs, and we appreciate the support of the Senate in helping us get the legislation right so we can do that, but as part of a broader diplomatic strategy with intelligence pieces, with law enforcement pieces, with financial pieces, and military elements as well.

You ask about the motivations. Russia seems to be striking out in order to distract attention from its internal problems. Russia seems to want to dominate states around it as some kind of a buffer perhaps. And they look for opportunities in order to try to demonstrate that America is weak. So they seek openings in places where there are conflicts and where states may not be as strong as they could be.

Senator ROMNEY. Those are tactics, and I recognize those tactics. But what is their ambition? Is it to re-establish the Russian empire? Is it to become a superpower on par with the United States? What are they—I mean, are they looking to invade other neighbors?

I mean, their population is shrinking. Are they looking to grab population from other former Soviet states to rebuild their population and to become more of an industrial power, economic power? But what are they hoping to accomplish?

Ambassador HALE. I think that they want to restore their self-image and global image as a superpower.

Senator ROMNEY. Mr. Ford.

Dr. FORD. I certainly do not disagree with that at all. I think it is actually quite significant that the National Security Strategy of this administration expressly calls out both China and Russia as revisionist powers who are engaged in a great power competition with the United States, that it is our obligation as stewards of the national security interests of the American people to pursue and to make sure that we protect those interests.

You are quite right about a shift in China policy, Senator. And I think very much the same thing can, indeed, be said about Russia, that our National Security Strategy and all that we have been doing since its issuance I think speaks to. It turns out, unfortunately, that the end of the Cold War did not, as many of our policy community seemed to have assumed, it did not usher in an enduringly benign security environment in which we got to relax and worry about other things.

It turns out that during that very period in which we took a somewhat complacent approach to great power competition, Moscow and Beijing were working very hard at their own strategies to build their influence, to—as we described them in the National Security Strategy, to take a revisionist approach to the current system of global order. It is now our challenge to make up for that time and to adopt policies that will help stabilize a deteriorating security environment and try to turn that around so that we can find a stable and safe and mutually prosperous way to coexist with them after putting all of these acting's out back in line.

Senator ROMNEY. Yes, I would suggest that the goal of having a collaborative coexistence with Russia is not something that they are pursuing and that they have very different intent and that we need to be very clear-eyed about what their intent is and to make sure that we develop a comprehensive strategy, as opposed to ad hoc sanctions here and there against individuals or against various actions that they take.

But that we need to have a very dramatic strategy. I go back to the George Kennan strategy in the days of the Cold War. I am not suggesting we return to the Cold War, but I am suggesting we develop a comprehensive strategy that gets them to be diverted from the course that they are on. Because they are continuing in an activity that is extraordinary malign and not in the interest of a peaceful world, and that gives me great concern.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator. Senator Murphy.

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

Thank you to both of you for your tremendous public service.

There is, of course, no way to unwind our policy towards Russia with our policy towards Ukraine, and we are going to have plenty of opportunities in the House and the Senate to litigate what our policy has been in the past towards Ukraine. But I thought it might be appropriate to level set and just clarify what our policy is currently towards Ukraine.

And so, Ambassador Hale, just a few quick questions. Is it currently our policy with respect to Ukraine to request investigations into an entity called CrowdStrike?

Ambassador HALE. No.

Senator MURPHY. Is it currently our policy towards Ukraine to request investigations into the connection between the former Vice President's family and a company called Burisma?

Ambassador HALE. Not that I am aware of.

Senator MURPHY. Is Rudy Giuliani involved today in any diplomatic conversations with Ukraine?

Ambassador HALE. Not that I am aware of, sir.

Senator MURPHY. I think it is important to acknowledge those facts because part of the defense of the President's actions will be that those requests were, in fact, appropriate, and I think it is relevant that since the uncovering of those demands have been made, they are no longer part of official U.S. policy query whether or not if those actions were appropriate, they would have been dropped after these investigations began.

On another topic, one of the sort of ways to talk about our competition with Russia is through a prism of what is called "asymmetric warfare." They have capabilities that we do not have. And it has always struck me that that is a choice. It is not an inevitability.

There are some things that they are willing to do that we just are not willing to do from a moral standpoint, from a standpoint of conscience. But there are also capabilities that they have that we choose not to utilize, in particular the way in which they use their energy resources to bully nations around them and to win friends and influence adversaries.

We have chosen not to use our energy resources in the same way, but there are appropriate means by which we could provide more direct assistance to countries in and around Russia's periphery to make them energy independent. A bunch of us—Senator Johnson, Senator Rubio, myself, and others—have a piece of legislation that would set up a billion-dollar financing capacity in the Federal Government to help actually finance energy independence projects in and around the Russia periphery.

It strikes me as a way to sort of close this gap that exists without asking our private sector energy companies to throw their weight around in a way that is completely integrated with U.S. security interests. Do you agree that there are ways in which we could increase the support that we give countries around Russia to try to end this asymmetry that exists today in the way that they leverage their energy resources and we leverage ours?

Ambassador HALE. Yes, I agree very much with the thrust of your comments, and it is also—I mean, part of that is making sure that our allies have alternate sources of energy. That has been a major thrust of our strategy on Nord Stream 2 is because we do not want Germany and others in Europe to be even more dependent on Russian energy sources.

I, myself, have had multiple conversations in my travels in Ukraine and Belarus and Eastern Europe on this very theme. The private sector, of course, would have to be, hopefully, a very prominent partner in that enterprise.

Dr. FORD. If I might, Senator, add to that?

Senator MURPHY. Please.

Dr. FORD. I think the Under Secretary is quite right and you are quite right about the importance of manipulated energy relation-

ships and Russia's strategic policy. And one of the things that we are also doing to try to meet this challenge is through not just promoting any particular type of energy alternative, but also focusing upon civil nuclear cooperation. We are working very hard, for example, in my corner of the State Department to promote improved relationships with partners and friends around the world in order to help provide them with alternatives in the form of carbon-free nuclear energy from U.S. suppliers, which serves our nonproliferation interests. It serves our strategic interests.

And in promoting those kinds of things and trying to find alternatives to Russian relationships and Chinese relationships, which often come with very elaborate and too good to be true debt bondage sort of financing terms, at least—I am not familiar with your particular bill—but in principle on being able to offer more financing alternatives to our partners in the civil nuclear business would be—it would be very helpful.

Senator MURPHY. My continued hope is that we get that bill before this committee as soon as possible. I think it enjoys support in the administration and on both sides of this committee.

My time is up. I will end there. Thanks, Mr. Chairman.

The CHAIRMAN. Thank you. Senator Portman.

Senator PORTMAN. Thank you, Mr. Chairman.

And let me start by thanking both of you for your service, and to our native Cincinnati, like me, I am going to start with you because you are from Cincinnati.

[Laughter.]

Senator PORTMAN. Ukraine. After the Revolution of Dignity in 2014, I had the opportunity to go over shortly after that and see what was going on. And incredible. Here, you have a country that was dominated by Russia, chose to take a different direction to encourage economic and political freedom, joining with us in the EU, and we needed to stand by them. And to a certain extent we did, but for the first couple of years, we refused to give them the assistance they needed to defend themselves against the Russian aggression.

I have also been to the line of contact. I have seen where 3,000 Ukrainian soldiers have been killed. It is a hot conflict. I do not care what people say. And they needed the opportunity, at least to try to defend themselves. They were not asking for U.S. troops. They were asking for help.

In 2017, 2018, 2019, the Trump administration did that, and I think that should be noted. It was a bipartisan effort up here on the Hill, by the way, starting in 2014, and I appreciate the fact you raise that in your written testimony.

My question for you is, where do we go from here? One, I think it is important that we re-establish the fact that we are, indeed, allies of Ukraine and that we want to help them. And as, again, this administration has done, without precedent, we have been helpful to them.

But what do they need now? Talk a little about anti-aircraft weaponry, among other things. What can we do to be more helpful in addition to the Javelin missiles and to the ships that we have now provided?

Dr. FORD. Well, Senator, I would actually add that not only am I a Cincinnati, I grew up in your old House district, if I recall correctly. But—

Senator PORTMAN. Even better. Who did you vote for is the question.

[Laughter.]

Dr. FORD. That does not get me a pass to the question, though, does it, sir?

Senator PORTMAN. No.

Dr. FORD. I actually am not in a position to speak to the specific operational needs of the Ukrainian armed forces. We have certainly gone to enormous trouble, as you quite correctly point out, to try to help them in the very difficult situation that Russian aggression has put them in. I believe we have given something on the order of \$1.6 billion or so in various State and DOD assistance for their armed forces.

That does include, as you indicate, the Javelin anti-tank systems. I believe there are more Javelins in the pipeline. I think Congress has been notified of an additional move in that respect.

I am not in a position to speak too precisely what it is that they need next, but I can certainly—

Senator PORTMAN. One thing that would be helpful, I think, to the committee, I saw that in your testimony, \$1.6 billion. If you could provide us with a list of what has been provided, because there has been some information out there I think that has not been accurate. And again, if you could, in talking to the appropriate people, give us a sense of what is needed.

Under Secretary Hale, in talking about Ukraine, as you know, President Zelensky has chosen to take the initiative in terms of a peaceful settlement of what is going on the eastern border of Ukraine and Crimea. And in fact, there is a meeting of the so-called “Normandy Format,” which is France, Germany, and Russia—not us—in Paris coming up shortly to talk about this. It is happening next week, as I understand it.

What is our position? What is the U.S. Government position on his initiative to try to resolve the issues on his eastern border in Ukraine?

Ambassador HALE. We strongly support him. The Secretary of State put out a statement, I think last night, in this regard. And looking forward to the Normandy meeting, we think he has done some considerable steps that have helped move toward a resolution of the problems.

We have seen a reinforced truce, although, as you said, the war is still hot. We have seen an exchange of prisoners, which was very welcome. The Russians returned a vessel that they had seized from the Straits last year, and they repaired a bridge, pedestrian bridge that is very important for local communications.

So we strongly support this, and we have—we definitely back the president and the people of Ukraine in this regard.

Senator PORTMAN. I have always thought we should be part of the Normandy group. Why are we not, and should we be?

Ambassador HALE. It is a historical development as to why we are not there. I do not—frankly, I was not involved at the time. I do not have an answer for you. But we are very, very closely lashed

up with the Germans and the French in this regard. We also talked to the U.K., and we will be very present during this process.

There are discussions about trying to expand it. We will keep you posted on that.

Senator PORTMAN. Yes, I would hope that that could happen.

On the Global Engagement Center, you mentioned earlier in response to a question from Senator Cardin that you are supportive of it. In fact, you look at your proposal, you are saying you are looking for additional funding. I think that is really important. And I know Senator Murphy agrees. We have worked on this over the years to try to ensure that we have the ability to push back on the disinformation, the propaganda.

Could you tell us a little about that? You have a new leader there, Lea Gabrielle. I met with her several times. I think she is taking the center in the right direction. What kind of capabilities do we need that we do not have, and why are you asking for additional funding?

Ambassador HALE. Well, thank you for the vote of support for Lea Gabrielle. We are also very impressed by her leadership.

The GEC, as I understand it, provides primarily a coordination role. So while \$75 million is a lot of money, there is even more—there are even more resources across our Government, across our agencies to promote this messaging strategy. So if you look at each of those budgets, you will see components of it which the GEC will be responsible for helping to coordinate and make sure that we are doing everything we can to counter Russia's propaganda.

Senator PORTMAN. Well, thank you. My time has expired. Just to make the point, this is largely countries like the countries in the Baltics that are under enormous pressure.

Ambassador HALE. Correct.

Senator PORTMAN. And so we are helping some of our allies.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Senator Markey.

Senator MARKEY. Thank you, Mr. Chairman.

The New START Treaty with Russia is due to expire in just over 1 year. Fortunately, Presidents Trump and Putin can extend the treaty by an additional 5 years by mutual agreement. Russia has recently said that New START will additionally cover Russia's only two new strategic nuclear systems that are reported to be deployable prior to 2026, a hypersonic glide vehicle and a new heavy ICBM.

Secretary Ford, why would we not extend a treaty with which Russia is complying and which will continue to cap existing and new types of strategic forces?

Dr. FORD. Well, Senator, I certainly have not said that we would not. That is a decision that has not yet been made. It is currently under consideration.

As you indicated, there may be some systems that the Russians are developing now that will or could be brought under New START. And depending upon whether and to what degree it is extended, I would qualify your statement slightly in the sense that it can be extended by agreement between the two powers for up to 5 years, but it could be extended for shorter periods of time as well.

What we are doing in approaching New START extension as a policy question is to look at it through the prism of our broader objectives on arms control and, in particular, the President's objective of some kind of a trilateral framework that will help us nip in the bud the potential emerging arms race that is being triggered by not just Russian, but also Chinese nuclear developments.

China, of course, being, in addition to all of the problems I mentioned with Russia, China being on track to at least double the size of its arsenal over the next decade or so. And so our hope is to find a framework that will provide an enduring future for the arms control enterprise and bringing those threats under control, and we are approaching New START extension through the prism of how we can most effectively contribute to that broader long-term goal.

Senator MARKEY. So China has a fraction of the warheads and the strategic delivery systems which the United States and Russia have, and we have an existing agreement, which can be extended, which would then serve as a basis to, in turn, begin to negotiate with the Chinese. But if we cannot realistically bring China within an extension of START within a year, does it really make any sense for us to give up on the START extension so that, you know, we lose the benefits?

Dr. FORD. As I indicated, Senator, I am not suggesting that we are or would necessarily give up on New START extension. The question is how we can best approach these questions in a way—

Senator MARKEY. Are you saying that you will—are you saying flat out you will not extend START if the Chinese are not included? Are you saying that?

Dr. FORD. A decision on these questions has not yet been made, sir. What we are trying to do is find a way to bring both Russia and China into some kind of an arms control framework that meets the challenges that are presented by their ongoing modernization and their buildup of their nuclear forces, as well as the pressures that their conventional military buildup and regional adventurism are placing proliferation upon our friends and allies around the world.

Senator MARKEY. I appreciate that, but it is just highly unlikely, as a time, energy, you know, logistical matter, which we are going to be able to bring in the Chinese during that period of time. And if New START expires, will U.S. inspectors be able to conduct on-the-ground inspections of Russian deployed and non-deployed strategic systems, and will they have access to thousands of notifications on the movement of such systems?

Dr. FORD. I would think that if New START were to expire, with it would go the verification protocols and onsite inspection procedures that are associated with that treaty, sir.

Senator MARKEY. Yes. So we would lose that, which is a huge breakthrough which was made in terms of that on-the-ground inspections of Russian deployed and non-deployed strategic systems. I do not think that would be a step that would be advancing our national security.

If New START expires, will U.S. Strategic Command be able to as easily predict the future shape and size of Russian strategic forces to inform how the United States configures its own nuclear force posture?

Dr. FORD. Well, our hope, Senator, is that it will be possible to put some kind of arms control base limits upon not just Chinese, but also Russian forces designed to cover some of the things that they are building that are not likely to be covered by New START, such as the nuclear-powered cruise missile.

Senator MARKEY. No, I am talking about if we do not reach—I am talking about if we do not reach an agreement to extend. If we do not reach an agreement to extend, will we lose our ability to see what is going on inside of the—inside of Russia and, as a result, not be able to as accurately anticipate the shape and the size of the Russian strategic force so that our own research, development, and ultimate deployment reflects the threat that they could be posing?

Dr. FORD. There is certainly visibility into Russian posture that is afforded by the treaty, that if the treaty—when the treaty goes away, whether it is extended or not, we would lose. But what we are also interested in trying to keep our eyes upon is the long game of what happens beyond those 5 years.

In some sense for the future of this potential emerging arms race that Russian and Chinese actions are on the verge of triggering, the even more important question is what happens after those 5 years? We are on track with our plan of record and our modernization program to cover the next 5 years and then quite a bit more. What is in some sense more important for the future of arms control and the future of the strategic relationship between these three powers is what happens after that, whether it is in 2 years' time or 6 years' time.

Senator MARKEY. No, I appreciate that. My concern, amongst other things, is that if we mishandle this, we could wind up with a new nuclear arms race that could cause—cost us trillions of unnecessary dollars because we missed the opportunity to have a negotiated resolution of the issue, first with the Russians, which is obviously something that the Chinese deal with. And if we do not miss that—if we do not take that opportunity, I just think we are going to wind up with a deficit that is going to be ballooning because of a nuclear arms race that was avoidable.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Senator Young.

Senator YOUNG. Secretary Ford, I was a lead Republican on some legislation dropped with Senator Van Hollen earlier this year that would ensure the U.S. made every effort to engage in New START negotiations and ensure whatever limitations were reached through those negotiations were adequate. We did address the China issue, which I will get to momentarily, in our legislation.

But I think I just heard you, which is consistent with everything I read and hear, indicate that Russia is currently in compliance with New START, right?

Dr. FORD. We do, sir, believe that they are in compliance with the central treaty limits. We are, both parties, in compliance.

Senator YOUNG. Okay. Is there enough time to negotiate a renewal of New START? It is starting to become a real concern because we are at the 15-month mark from when New START will expire, and we are running out of time. So do you feel the same sense of urgency towards renewal?

Dr. FORD. Well, I think there is, in fact, plenty of time to extend, if that decision were to be taken. Extension is not something that would be particularly negotiated because it could be simply extended on its own terms. That would simply take agreement of the two parties. In theory, that could be done very quickly, indeed.

Senator YOUNG. But it sounds as though there are some reservations to just pure extension on account of the China dynamic, which I think is a fair one, which is why Senator Van Hollen and I included that in our resolution.

So, among other things, the legislation that we put forward would require our Director of National Intelligence to assess the impact that a renewal or an extension would have on China's actions. You know, whether if we stayed in or stayed out what might China do, and what would the likelihood of Chinese compliance with the parameters of New START, what would the likelihood of that be?

So we would want to consider the dynamic of China under this legislation, and so I hope this is something that the administration will study and then report back to Members of Congress, irrespective of whether or not that legislation passes. Is that something that is being studied right now?

Dr. FORD. We are certainly very mindful of how these relationships between Moscow and Washington affect Chinese behavior and vice versa. I think one of the challenges that we have in trying to build this future for the arms control enterprise and make it serve our interests and that of international peace and security is precisely to figure out how these three-way dynamics work.

We have conceptual templates from the Cold War that are bilateral—

Senator YOUNG. Sure.

Dr. FORD. —and those do not make sense in an at least trilateral world. We are trying to figure that out right now.

Senator YOUNG. Understood. So, Secretary Ford, you are mindful of it. Are you conducting a formal assessment of Chinese response to an extension of New START or a renewal of New START?

Dr. FORD. We are certainly considering those questions. I do not know that it would be fair to describe it as a highly formal assessment, but that is obviously a very important part of our decision-making. And as you quite rightly point out, it is a critical question.

Senator YOUNG. We are dealing with nuclear weapons here and important arms control agreements. Would it not be both appropriate and right to conduct a formal assessment, working with our best intelligence to try and come up with a probability of different Chinese responses and the nature of those responses, were a renewal or an extension to occur?

It seems like that would be a responsible action to take as you carry out your analysis. Do you agree?

Dr. FORD. I think making sure that we have a clear assessment of those questions is very important, sir.

Senator YOUNG. Okay. So will it happen?

Dr. FORD. It is already being considered, and it will, of course, happen that we bring all of these questions together as—

Senator YOUNG. So considered. Does that mean a formal assessment is occurring?

Dr. FORD. As I said before, Senator, I do not know how formal it would be fair to describe the process, but certainly those are precisely the questions, among others, that we are——

Senator YOUNG. Is a written work product being produced as it relates to the topic we have been discussing for the last 2 minutes?

Dr. FORD. We are working with the intelligence community and with all relevant elements of the policy interagency to make sure that questions including, but not limited to, that are part of what our principals are able to consider as they seek to make a decision on not just New START extension, but of these broader questions of how best to pursue a trilateral arms deal.

Senator YOUNG. It sounds like at the least, if we can elicit from the intelligence community or from the State Department a formal assessment, then perhaps a classified briefing on this topic would make sense. So we will follow up on that.

What is our country doing to ensure a dialogue is in place to negotiate a potential renewal or extension?

Dr. FORD. Well, we have already had in this administration two engagements with the Russians. This is what was described as the Strategic Security Dialogue. I actually had the great honor and privilege of being able to participate in the first of those in 2017 when I was in a different capacity.

Last summer, Deputy Secretary Sullivan from the Department of State led our delegation to engage with Deputy Foreign Minister Ryabkov in Geneva for the second of these engagements, and we committed to doing another one. It is then simply a question of figuring out what the mutually acceptable time is to hold that engagement, but I anticipate that it would hopefully happen in the very near future.

These are our principal channel right now for having discussions along these sorts of lines, talking about strategic and arms control and nuclear weapons related issues. It is an important way for us to be in touch with our Russian counterparts and to hopefully understand each other better and to perhaps lay the groundwork for whatever may come, such as potentially at least the New START extension talks.

Senator YOUNG. In the next 15 months.

Thank you so much. I am way over time, and I appreciate your important service.

The CHAIRMAN. Senator Merkley.

Senator MERKLEY. Assistant Secretary Ford, is it correct that the U.S. has had more than 500 overflights under Open Skies of Russia since 2002?

Dr. FORD. I must confess I do not know the exact number, but I would not be surprised if that were precisely right.

Senator MERKLEY. Is it correct that we have done about three times more overflights of Russia than they have done over the U.S.?

Dr. FORD. I do not know the ratio. Certainly all parties to the treaty exchange their——

Senator MERKLEY. Okay, you can just take my word for it then.

Dr. FORD. Okay.

Senator MERKLEY. You can check and let me know if I am wrong. This is a lot of confidence-building contacts between the two coun-

tries, and Deputy Secretary Sullivan said that any decision to leave Open Skies would require unanimous consent of the NATO countries. Do you share that understanding of U.S. policy?

Dr. FORD. I do not have the terms of the treaty at my fingertips with respect to withdrawal procedures, but I can certainly say that there has been a lot of press speculation on our Open Skies policy, not all of which one should believe.

As Mark Twain, I think, is reputed to have said of his own death, "Reports of its demise are greatly exaggerated." We are currently complying with—

Senator MERKLEY. You believe Open Skies provides a valuable contribution to the nuclear security at this point?

Dr. FORD. It does make contributions to our security and that of our partners. What we are doing right now is undertaking a thorough review of the merits and demerits of continued participation. No decision has been made to get out. We are going to some trouble to—

Senator MERKLEY. Okay. I will just take that.

Dr. FORD. —with our allies and partners.

Senator MERKLEY. So Secretary Pompeo, in response to a question I asked him, said that any extension of New START would have to take into account new systems and new actors, which we understood by his conversation to mean China. Now the new weapons, that is not such a big issue because you have got two systems that the Russian foreign minister has said they already agree would be covered—the Avangard and the new heavy ICBM that they are building. So the hypersonic glide vehicle and the new heavy ICBM.

They are two that would not be deployable until the end of the next decade. So those we do not worry about too much. And then there is the conversation that has to be worked out over a planned air-launched ballistic missile, which if covered from a heavy—launched from heavy bomber would be covered, but if launched from a fighter would not be. Just like a cruise missile, similar distance would not be covered if it was launched from a fighter.

So that seems like a manageable—it comes down to one weapons system. The China piece, though, that has been raised consistently. So China has approximately how many nuclear warheads?

Dr. FORD. I would refer you to the Intelligence Committee on that.

Senator MERKLEY. About 300. Would you say that that is in the ballpark of reported numbers?

Dr. FORD. I have certainly seen it much talked about in the press on that number.

Senator MERKLEY. And how many strategic warheads do we have deployed?

Dr. FORD. At present, I should know that number, I am afraid, Senator. But I do not have it at the tip of my tongue.

Senator MERKLEY. It is about 1,750. And for Russia, it is about 1,600. And how many total warheads do we have if we include tactical warheads?

Dr. FORD. Not much more than that.

Senator MERKLEY. Well, quite a lot more, actually. Several thousand more. But the point is 300 Chinese warheads with their triad

in the kind of infant stage of development. We have a very sophisticated triad. So does Russia. We have just in strategic warheads more than five times their number. That is a huge disparity.

Are we really going to say that we have to resolve the architecture between China with this neophyte program and U.S. and Russia with the much-larger sophisticated program in order to extend New START?

Dr. FORD. I was not making the point, Senator, that all of that needed to be resolved and tied up with a bow before one reaches the end of whatever lifetime New START still has. We do think it is incredibly important that we be engaged with both Russia and China in finding a future that is trilateral for arms control. Because if we cannot do that, we will run up against the same problems sooner or later.

Senator MERKLEY. So as you think about that, do you think of the U.S. coming down to the Chinese number of 300 or the Chinese being given permission to come up to the U.S. number of 1,750 deployed strategic warheads? Are you advocating for an increase in Chinese weapons?

Dr. FORD. No. I am actually very keen to try to prevent—

Senator MERKLEY. Are you advocating that the U.S. come down to the Chinese level?

Dr. FORD. I am advocating that we find a way to stop what is now an incipient arms race from becoming a full-blown and very dangerous one, and it is not—

Senator MERKLEY. Well, you have to argue for one or the other. You either have to argue for us to come down or China to come up, or you are arguing that you think they would agree to differential numbers, locking them into a much lower number than the U.S. Are you arguing for that?

Dr. FORD. Actually, what the President has directed us to do is to pursue a trilateral cap on the arsenals of all three powers precisely in order to stop what could be a very dangerous emerging arms race and give us all breathing space to pursue this over the long term.

Senator MERKLEY. Okay. I am disturbed. I really am disturbed that in order to take into the vast difference between China and the U.S., you have one of three options. You either have to argue that we are going to put on a cap that China is going to be able to come up to, or a cap closer to China that we are going to come down to, or that you think you can lock in a differential with China that they would agree to. Those are the three options, and you have not said you support any of those three.

And you are saying that, you know, we are just a year out from the end of the initial New START, and there have not been serious negotiations with China to figure out which of these three options you are going to pursue. I do not like any of the three of them myself.

Dr. FORD. Well, I would say, Senator, that those kinds of questions are just the kind of thing that we need to be and should be talking about with our Russian and Chinese counterparts, which is why it is so essential for them to come to the table with us to engage on finding a future that manages these challenges effectively.

Senator MERKLEY. Okay. Well, you have not engaged in those serious conversations yet, and I know from the past arms negotiations, it can take many, many years to work out details when there are actually fairly uniform relationships between two powers. And this is not a uniform relationship.

So I will just close there since I am over time, but I think what we do not want to see is this China used as an excuse to blow up the existing or potential extension of an agreement with Russia that contributes to international security and, of course, in the nuclear realm that is very important to our survival.

The CHAIRMAN. Thank you, Senator.

Dr. Ford, for the edification of this committee, understanding this is an open setting, regarding the Open Skies Treaty, can you talk a little bit about the disparity, the issues that Russia has caused as far as not allowing access and perhaps enlighten people on why that is causing difficulties with where we are?

Dr. FORD. I will try, Mr. Chairman. We first found Russia to be in noncompliance with its Open Skies obligations in the summer, I believe, of 2017. But I would stress that was the first time at which we found them—we decided to declare them in noncompliance. In fact, the things that they had been doing at that point and, in many cases, are still doing are things that they had been doing pretty much continuously since the treaty came into force in 2002.

We have found them to be in noncompliance with regard to certain overflights of the Baltic enclave of Kaliningrad. We have found them to be in noncompliance with regard to flights in the vicinity of the enclaves that they essentially invaded and carved off of the country of Georgia and are maintaining there by proxy forces. And we have found them to be selective in allowing—not allowing some overflights of Russian military exercises.

All of these things, you know, amount to a situation in which Russia has been in chronic noncompliance with some Open Skies obligations and a selective non-complier with other of their Open Skies obligations. This causes great concern to us and to our allies, quite naturally.

The CHAIRMAN. And obviously, un-levels the playing field that the treaty is supposed to create. Is that correct?

Dr. FORD. That is a challenge and a question. We have not—it has not gotten to the point where we have declared that we feel there to be—to have been a material breach, but there have clearly been breaches, and they things that we very much hope that Russia will turn around. We are looking at the situation day by day.

The CHAIRMAN. Thank you very much. Senator Gardner?

Senator GARDNER. Thank you, Mr. Chairman.

Thanks to both of you for your time and testimony today.

The Russian Federation under Vladimir Putin has invaded its neighbors Georgia and Ukraine. It supports the murderous regime of Bashar al-Assad, our enemies in Afghanistan, and it has engaged in active information warfare against Western democracies, including meddling in the United States election in 2016.

Russia is also responsible for heinous actions such as the downing of Malaysia Flight 17 over Ukraine in 2014 and the chemical attacks in Salisbury, United Kingdom, in 2018. Clearly, an adver-

sary. Their malicious interference in the 2016 elections and continue to intend to do that in 2020, and other democratic elections around the world as well.

I believe Vladimir Putin is a thug. The Russian Federation should be designated a state sponsor of terror, to join Syria, North Korea, Iran, and Sudan.

This committee has been working on a number of bills, Stopping Malign Activities from Russian Terrorism Act. That is 1189, a bill that Senator Menendez and I have authored to require the State Department to submit a report to Congress establishing whether or not Russia fits the criteria to be declared a state sponsor of terror under U.S. law.

The DASKAA is a bill that many on the committee have worked to put together that, obviously, creates economic, political, and diplomatic pressure on Russia in order to respond to Russia's interference in democratic processes, their malign influence in Syria, their aggression against Ukraine and in the Strait as well. The European Energy, Security, and Diversification Act, Senate bill 704, that many of us have worked on. Legislation that would authorize \$1 billion to help finance catalyzing public and private investment in European energy projects to help wean their dependence off of Russian energy assets.

So we know that Russia supports terrorist groups. They have carried out the actions that we have talked about. We know they fund insurgencies and separatist movements around the world. They have interfered in democratic elections, and they have found it—been found to be responsible for a chemical attack on the soil of a NATO ally.

Secretary Ford, do you believe that Russia is a state sponsor of terrorism?

Dr. FORD. I must confess, Senator, my portfolio does not have a lot to do with SST designations, and I am not as familiar with the elements that go into that as I probably should be. I would defer to others on that question.

Senator GARDNER. Dr. Ford? Excuse me. Dr. Hale? Secretary Hale. Dr. Ford. Sorry about that.

Ambassador HALE. I will answer to any title. The State Department has not, at this stage, determined that Russia is a state sponsor of terrorism. There is a fairly complex deliberative process for doing that, and we look forward to sharing information and working with you and other members of the committee.

Senator GARDNER. Based on these descriptions, though, do you believe that they would fit the criteria?

Ambassador HALE. Well, I agree with all of your characterizations of Russia's malign behavior. I do not personally see that, per se, as state sponsorship of terrorism, terrorist attacks. But they are supporting, they are getting very close to the edge in some places on that.

We also have to recognize Russia has—itsself has been a victim of terrorism, too. I think it is safe to say that on the record as well.

Senator GARDNER. We have seen, I think in 2016, a series of RAND reports, analyses that showed based on Russia's buildup in the military that they could sweep the Baltics in less than 60 hours. Secretary Hale, has that analysis changed to any degree

with the increases in investments in NATO and other developments we have seen in Europe?

Ambassador HALE. I am not familiar with that RAND study, and I am not an expert on these matters, but I can tell you that we are very concerned about the defense of all of our NATO allies and particularly the vulnerable Baltic States and, therefore, have done a great deal to bolster their defenses and to increase NATO's true presence and other instruments on their soil.

Senator GARDNER. When it comes to Europe and the actions of our European allies, what action is the United States taking to press—what are we actually pressing our European allies to do more when it comes to Russia's continued aggression?

Ambassador HALE. Well, I think job number one is to increase their defense spending in line with the Wales pledge of 2 percent and also to realign the burden-sharing in a NATO common fund. These are topics under discussion as we speak in the NATO summit.

We also are very focused on the vulnerabilities of the eastern flank of NATO, if I can put it that way. These are relatively new democracies, and they are very—very vulnerable to Russian intimidation, Russian tactics to use corruption, use access to media, to undermine those societies from within. We have seen cyberattacks and other types of interference that have been really quite dramatic.

And so we want to boost those defenses as well, which is more complex than just a military response. We have to use all the tools we have talked about in other questions.

Senator GARDNER. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much. Senator Shaheen.

Senator SHAHEEN. Thank you, Mr. Chairman, and thank you both for being here.

Dr. Ford, in your opening statement, you talked about progress that has been made in reducing nuclear tensions, and I have listened to the back-and-forth around the New START Treaty. Do you support an extension of the New START Treaty?

Dr. FORD. Senator, I would support it if I concluded that that were the most effective way to contribute to our goal of bringing both China and Russia into some kind of an arms control framework, and that is just the question that we are all considering right now.

Senator SHAHEEN. And did I understand you to say that we look for opportunities and areas of mutual agreement where we can work with Russia on some things?

Dr. FORD. Yes, indeed. We try to keep channels of communication open and find ways to work together on shared interests.

Senator SHAHEEN. And has Vladimir Putin not actually suggested that this is one area that he would like to see negotiations resume?

Dr. FORD. I believe the Russians have made that clear. They also by their actions, rather than by their words, have made it clear that they would like to continue an uninterrupted military buildup and a nuclear buildup—

Senator SHAHEEN. Yes, I am not asking you about that. I appreciate the uninterrupted military buildup. I think we would all

agree that that is not something that we want to allow to continue to happen, and we need to look for ways to prevent that. But I am asking you about New START only.

When—is it not possible that we could move forward with an extension of New START at the same time we are looking to negotiate other issues and include China and other nations that may be a concern in terms of nuclear weapons?

Dr. FORD. That is, indeed, one of the possibilities that we are considering right now, ma'am.

Senator SHAHEEN. Why would we not want to do that?

Dr. FORD. Well, I think we would want to do that if we determined that that was the best way forward to meet the longer-term objective of bringing these troublesome arms race dynamics under control.

Senator SHAHEEN. So what is the long-term concern about doing that? Because that would give us more time to actually negotiate a broader agreement that would include China and could potentially look at other areas where there are weapons that we might want to include in a treaty. So why would we not want to continue an extension of New START?

Dr. FORD. As I indicated, that is precisely one of the questions we are considering and the alternatives that we are mulling over right now. We do not have a decision from our interagency and our principals as yet, but that is certainly one of the things that is before them.

Senator SHAHEEN. I would suggest that—well, I would align myself with the comments of Senator Merkley that I think this is a red herring to suggest that we cannot do anything about New START without including China and some of the other issues. So I would hope that we would look at how we can best move forward and continue the progress that has been made under New START while we look at other ways we can negotiate a broader agreement.

Ambassador Hale, I continue to be very concerned about the repercussions of the decision in Syria to withdraw our troops and what that means in terms of increasing Russia's influence in Syria and the Middle East. Can you talk about what our withdrawal has done to strengthen Russia's position in Syria?

Ambassador HALE. Well, we do still have troops, of course, present. There has been an adjustment in line with all the news that we have seen and the agreement that was reached in October.

We have had a dialogue and continue to have a dialogue with Russia on Syria.

Senator SHAHEEN. Do we have any potential to influence their bombing of Idlib and what is happening in that part of Syria? Have we tried to do that?

Ambassador HALE. Yes, we have. Ambassador Jim Jeffrey, who is our envoy handling these matters, has had intensive discussions with his Russian counterpart. I have as well with my counterparts, and I am sure the Secretary has engaged as well. We believe these kinds of bombardments absolutely must stop, and we will not be able to really cooperate well with the Russians unless they do so.

Senator SHAHEEN. Is that the only leverage we have? To say we are not going to cooperate with you if you do not stop bombing?

Ambassador HALE. When it comes to—I was just talking about not cooperating in the case of Syria. No, the Russians know we have a wide range of tools. That is part of the benefit of having sanctions is that they know that that is a potential avenue we may go down.

Senator SHAHEEN. But we have not suggested that that would be an option in Syria if they continue bombing?

Ambassador HALE. I have not had that discussion myself, Senator.

Senator SHAHEEN. So the President was just in Afghanistan, and one of the things he suggested was that he was planning to resume talks with the Taliban. Do you know if there have been any discussions with Russia, either with respect to Syria or Afghanistan, about potential role that they could play in helping to address the resurgence of ISIS?

Ambassador HALE. Yes. Ambassador Khalilzad and Ambassador Jeffrey, as I mentioned, both talked to their Russian counterparts intensively about this. We would like to see stronger Russian cooperation not just in defeating the D-ISIS, but in helping the political processes that are needed to stabilize countries so D-ISIS—excuse me, ISIS does not have the opportunity to regroup and to develop. So that is the essence of our approach with the Russians.

Senator SHAHEEN. And what has their response been?

Ambassador HALE. Less than ideal. They have not offered the kind of support that we would expect from them.

Senator SHAHEEN. And when we actually had a presence in Syria, they were not—and were engaged full-blown in the fight against ISIS, they were also not helpful in that effort particularly, were they?

Ambassador HALE. They were not.

Senator SHAHEEN. Again, as we think about restarting talks with the Taliban, do you have any sense of what discussions there will be around the resurgence of ISIS in Afghanistan? Actually, it is not a resurgence, the growing presence of ISIS in Afghanistan and what we will be asking the Taliban to do with respect to ISIS?

Ambassador HALE. I do not want to get into classified information, so let me just offer generally. This is a growing concern, a source of alarm in the administration. I was Ambassador to Pakistan as my last assignment. We watched it begin then, and we were ringing the alarm bells.

And I think, effectively, we need to make sure that all elements that are prepared to come into a peace process are focused on that problem as well.

Senator SHAHEEN. Thank you, Mr. Chairman and Ranking Member. I would hope that you would consider a classified hearing to discuss the potential for ISIS to be a problem in any negotiations with the Taliban in Afghanistan. I think that is a huge threat, and we need to be concerned about it.

Thank you.

The CHAIRMAN. I agree with that, and we will talk about having a briefing in that regard. Thank you so much.

Senator Paul, you are next.

Senator PAUL. Ambassador Hale, sanctions are intended to change behavior. For years, we have been adding sanctions to Rus-

sia. Can you name some specific changes that Russia has undertaken with regard to and because of our sanctions?

Ambassador HALE. Well, this is a work in process. I mean, we have not achieved our overriding objectives in terms of having Russia withdraw from Ukraine. Certainly, they continue to violate human rights, and we continue to see interference in our elections. So we will continue——

Senator PAUL. So no specific changes from Russia that you can name?

Ambassador HALE. Well, there may be a deterrence effect, but it is hard to measure, and we want to continue. It is going to take time, as we know, when it comes to sanctions regimes, for them to have——

Senator PAUL. So we have put on sanctions for some specific behaviors we do not like, and there is not any indication that there has been any change in Russia's behavior. Are there discussions with Russia, specific discussions saying if you do X, we will remove these particular sanctions? Are there that level of particular discussions with Russia?

Ambassador HALE. I think the Russians are well aware of what they need to do in order to get sanctions relief.

Senator PAUL. But no specific discussions on, you know, we will remove sanctions on your members of the Duma coming here if you do X?

Ambassador HALE. I think in various conversations that that may have been touched upon.

Senator PAUL. Well, I think this sort of illustrates sort of the problem. It is easy to put sanctions on. It is easy to say we want to change behavior, but it does not seem to really be working. And if it is not working, maybe we need to reconsider exactly, you know, what we are doing.

We have also put sanctions on. The Congress decides that we know better than the President, so we are going to put sanctions on, and then the President cannot take them off. Do you think that makes it easier or harder to negotiate behavioral changes if Congress puts on sanctions that the President does not have the means or the power to remove?

Ambassador HALE. I think it makes it harder in most instances. I think you put your thumb on a very important point, which is the need for reversibility and flexibility. Often the threat can be more effective than the actual imposition of a sanction.

Senator PAUL. Probably the only time I can think of in recent times where sanctions actually appeared to work and it was very obvious was the President either putting on or threatening sanctions on Erdogan recently in Turkey. And then immediately, when the behavior changed, removing the sanctions.

So I would argue that the threat of sanctions actually has leverage, but once we place them on, they almost have no leverage. And we leave them on for decades, and it does not appear that anything is changing.

And in fact, contrary to what people think, we may actually get the opposite. It may actually solidify bad behavior because countries have their own sort of national pride, and once they get their

back up, they are like, “Well, we are not changing. You know, we are never going to do that in result of it.”

Some would say the sanctions worked in bringing Iran to the table for the Iranian Agreement, but the contrary argument also might be that it finally came because we engaged Iran, and we offered them something. They actually signed the agreement because they got something in exchange. And so I think, as we look at the world, we can think that we can tell the world what to do, but it does not seem to—there does not seem to be a lot of evidence of it working.

There may also be the evidence that—or at least the argument can be made that sanctions or embargos, such as the longstanding embargo with Cuba, may actually have the opposite of the intended effect. And it seems like we would want to study these things because the Castro’s for decades said, basically, your economy sucks and you have no food because of the Americans and because of the embargo.

So I think we ought to at least be open to the argument of whether sanctions work. We ought to try to study whether they work. If we believe that sanctions are the way to go, we should also have an additional effort saying we want to have this talk with you about if you will do X, we will do X. You know, that there is some kind of exchange.

The problem is, is it is like so many things that we have. We start out with unrealistic proposition. So like our proposition with Russia is when you leave Crimea, you know, then we will consider relieving your sanctions. I think from a practical point of view, I think it was wrong that they invaded Crimea, and I do not agree with the policy. I think it is also very, very unlikely that they ever leave Crimea, short of someone pushing them out of Crimea.

And so if that is our point, the sanctions will stay on forever, and eventually, the Russians will say, you know, and they simply will have no effect. So I think we do need to look at if we believe that sanctions work, we need to have negotiations with our adversaries and say, all right, if you do X, we will do X.

One very minor thing I proposed and got virtually—well, really no support. I had the vote in this committee to try to relieve sanctions on Russian members of the legislature to travel here, and it is like we are sanctioning diplomacy. And I was the only vote for allowing Russian members to come here, but that is a very small sanction that could be exchanged for something.

There are things that the Russians want that we could at least exchange little things for little things, as opposed to saying you have to do everything for everything because I think, as a consequence, nothing ever happens. Because our goals are too large and too unreasonable.

Your response?

Ambassador HALE. I agree, Senator, that we should be very thoughtful about how we impose sanctions. The more that they are targeted and specific in nature, the better off we are. We agree about the need to maintain flexibility and reversibility so we can incentivize the target to behave the way we want.

Senator PAUL. That is the key, the reversibility.

Ambassador HALE. Yes.

Senator PAUL. We have to be negotiating how to unwind them, or they are of no value.

Ambassador HALE. I agree, sir. And I would just make the general point that we should not look at sanctions in isolation of our overall diplomatic strategy.

The CHAIRMAN. Thank you, Senator.

There are certainly some valid points that Senator Paul has made regarding sanctions. I think we have a tendency to reach for those quickly without the thought process sometimes that you need to go into them. Having said that, I think it stretches a little bit to ask how effective have they been. Because you cannot measure something they did not do in light of the fact that they were facing sanctions.

So that is hard to do. But on the other hand, I think the more pointed they are and particularly the ability of the administration to be able to remove them when they want to is important. And I know you consider that whenever we are working with these. So thank you very much.

Senator Coons.

Senator COONS. Thank you, Chairman Risch, Ranking Member Menendez.

And I would like to thank both of you, Under Secretary Hale and Assistant Secretary Ford, for your long service to our country and for your testimony here today.

Under Secretary Hale, Russia undeniably attacked our elections in 2016 and has every intention of doing so again, according to the Director of the FBI and the Director of National Intelligence. And as you confirmed in response to earlier questions from Senator Menendez, as you yourself said in your opening testimony, Moscow engages in election meddling and complex, well-resourced influence operations directed by the highest levels of the Russian government. I agree. You went on to say understanding this threat is essential for developing a long-term response.

Two weeks ago, Dr. Fiona Hill of the National Security Council testified before the House Intelligence Committee that the Russian intelligence services have, in fact, been promoting a false narrative that Ukraine interfered in our 2016 election. And you previously told Senator Menendez in response to his questioning that you are not aware of any credible evidence that Ukraine interfered in our 2016 elections.

Would you agree, as you said in your own opening, that understanding the Russian threat requires our also being clear that there is no evidence of Ukraine having interfered in our 2016 elections?

Ambassador HALE. Yes, I do, Senator.

Senator COONS. Have you seen any intelligence assessment or any open source reporting that would support the idea that Ukraine interfered in our 2016 election?

Ambassador HALE. I have seen nothing that is credible along those lines, sir.

Senator COONS. Are you aware of any U.S. diplomat or executive branch official who is asserting publicly that Ukraine interfered in our 2016 elections?

Ambassador HALE. Any diplomat?

Senator COONS. Anyone other than President Trump?

Ambassador HALE. That is correct, sir.

Senator COONS. So if an American politician of either branch repeats this Russian disinformation effort, says falsely that Ukraine, not Russia, interfered in our 2016 election, does that promote our diplomatic interests or our national security?

Ambassador HALE. Well, it is a free country. People can debate any ideas that they want. But our focus at the State Department has been, and as it should be, on the proven Russian interference in the 2016 elections and plans to do so in 2020.

Senator COONS. Would it be in the interests of securing our 2020 election to continue distracting the American public, American legislators from that demonstrated Russian intent to interfere?

Ambassador HALE. Well, again, I said that I have seen no credible evidence about these allegations of Ukraine. So, again, as foreign policy practitioners, our focus is not there. It is on the Russian problem.

Senator COONS. Well, on the Appropriations Committee, I worked with Senator Leahy and colleagues from both parties to secure an additional \$250 million this year in election security funding in an appropriations bill that has not yet passed the House and Senate. This would prevent future cyberattacks against our election machinery.

Do you think that is a wise domestic investment in our own election security? And do you think we should be doing not just that, but more to secure democracy here and in Europe against Russian aggression?

Ambassador HALE. I am not familiar with the details of the legislation, but in principle, I believe firmly that we need to do everything we can to deter and necessarily defend against these attacks here at home and with our allies.

Senator COONS. Well, thank you, Ambassador. As you have heard from many Senators today, we agree Russia needs to pay a price for attacking our elections, for their annexation of Crimea, their ongoing support for separatists in Ukraine, their undermining democracy in Europe and separating the United States from NATO, their support for the murderous regime of Bashar al-Assad, and the list goes on.

One area of real interest to me where Russia has recently stepped up their brazen and exploitive activities is in Africa. Strengthening ties with African countries is one of Putin's top foreign policy goals. In October, he convened more than 40 African heads of state for a Russian-led conference in Sochi, and they have demonstrated their influence or attempted to influence recent elections in Madagascar, in Guinea, in Congo, in Zimbabwe, and in the Central African Republic.

Last month, I introduced the bipartisan Libya Stabilization Act, which would include sanctions on those involved in the Russian intervention there and would require an administration strategy to push back against Russian actions there in Libya. And according to recent public reports, there are literally hundreds of Russian mercenaries now in Libya.

What is the State Department doing to address or limit Russian influence in Africa, in Libya and in some of the other countries I just mentioned?

Ambassador HALE. Well, again, it is a topic in our conversations with Russian officials. I do not think that that dialogue is producing or yielding results that are necessary for our national security. I think more significantly is to point to our policy toward Africa and toward African states. We are trying our best to make sure that our relationships with Africa are well maintained, that we are promoting U.S. business there.

We are also increasing our assistance levels so that U.S. business can be participating in the economic growth and development of those countries. I think that is a very important area. Also our cooperation in areas of security in the Sahel. That is very important.

In the matter of Libya, I would say our strategy there is, of course, to try to do what we can to bring about a ceasefire and compliance with various U.N. Security Council resolutions so that the situation is stabilized. Meanwhile, we have thrown a spotlight on Russian—the Russian presence there in various statements, but it is most unsatisfactory.

Senator COONS. Well, I see my time has expired. Thank you, Mr. Under Secretary and Ambassador, for your testimony today, and I look forward to our working to keep an open line of communication between the administration and the Senate because I think continuing to cooperate in standing up to Putin's aggression against our upcoming elections is very important for the future of our republic.

Thank you.

The CHAIRMAN. Thank you, Senator. Senator Cruz.

Senator CRUZ. Thank you, Mr. Chairman.

Gentlemen, thank you for your testimony today.

Secretary Hale, you just said a moment ago, in response to Senator Coons, that our focus is on the Russia problem. I agree with that sentiment. I think the administration needs far more of a focus on the Russia problem. Russia is not our friend. Putin is not our friend.

I want to focus right now on two areas where the administration can do better. Let us start with Nord Stream 2. In your judgment, if Russia completes the Nord Stream 2 pipeline, what would the effect be for Russia, for Europe, and for the United States?

Ambassador HALE. Very negative. It would create another tool for the Kremlin to use Russia's energy resources to divide Europe and undermine and destabilize Ukraine.

Senator CRUZ. As you know, we are at the precipice of Nord Stream 2 being completed. Last month, the last regulatory barrier that stood in place, Denmark gave the final environmental approvals to complete the final portion of Nord Stream 2. My understanding is we are roughly 60 days away from the completion of that pipeline. It is now or never.

As you know, I authored bipartisan legislation in this committee that passed this committee by an overwhelming bipartisan vote, a vote of 20 to 2, to stop the Nord Stream 2 pipeline. It is narrow, targeted sanctions, like a scalpel, designed specifically to prevent

the only ships that can lay the pipeline from laying the pipeline and completing that pipeline.

Now there is some hope that the Senate, even in this bizarre partisan time, will manage to work together. There has been considerable progress. Perhaps passing that Nord Stream 2 legislation as part of the National Defense Authorization Act, I am hopeful that will happen. I am grateful for the assistance of Chairman Risch and Ranking Member Menendez to try to make that happen. I think that would be an enormous bipartisan victory for the Senate and for the United States.

But that being said, at the end of the day, we do not need to pass that legislation to stop this pipeline. The administration has full authority under CAATSA right now, today, to impose those same targeted sanctions. Those sanctions that would result in shutting down the ships that are laying the pipeline and stopping it right now, today. Why has the administration not yet acted?

Ambassador HALE. Well, we have been using our diplomatic tools to seek our goal of stopping this project, which I think you and I share, the administration shares your concern.

Senator CRUZ. Has that succeeded?

Ambassador HALE. At this stage, we have slowed it down, but we have not stopped it.

Senator CRUZ. Is there any prospect, is there a snowball's chance in hell that talking to the German Ambassador is suddenly going to magically stop the Nord Stream 2 pipeline?

Ambassador HALE. Certainly not talking to the German Ambassador. But we have a range of leadership engagements on this which are still unfolding. We do have some time. There is a deliberative process about what our options are if we clearly come to the conclusion our diplomacy has not achieved our goal, and sanctions are among them.

Senator CRUZ. So, Secretary Hale, let me give you a very clear message to take back to your colleagues. I have had multiple conversations with Secretary Pompeo, with Secretary Mnuchin, with the White House on this topic. Time is of the essence.

A strategy that is let us pursue our diplomatic options at this point is a strategy to do nothing. It is a strategy that will result with 100 percent certainty in the pipeline being completed and Putin getting billions of dollars and Europe being made energy dependent more so on Russia and in weakening the United States position in the world.

The administration can stop it. It is only inertia. There have been principal meetings. There have been, sadly, some bureaucratic intransigence, I think particularly from the Treasury Department, pushing back against exercising clear statutory authorization to stop this pipeline.

I want this to be very clear. If the pipeline is completed, it will be the fault of the members of this administration who sat on their rear ends and did not exercise the clear power. You have an overwhelming bipartisan mandate from Congress to stop this pipeline. It is clear. It is achievable. It is a major foreign policy victory. And the only thing that would allow this pipeline to be built is bureaucratic inertia and dithering within the administration.

So I very much hope that dithering ends, and you exercise the clear authority and stop this pipeline before it is completed next month.

Ambassador HALE. Thank you for your message, sir.

Senator CRUZ. I want to turn to a second topic on Russia, which is, Dr. Ford, we were talking about the Open Skies Treaty, and you said something there that I wrote down because it startled me. You said, and I think this is verbatim, "It does make contributions to our security and those of our partners."

Dr. Ford, it is my understanding that that statement is directly contrary to the assessment of the Department of Defense and the intelligence community. And in fact, I will give you some specifics. In 2015, then the Director of the Intelligence—Defense Intelligence Agency under President Obama, General Vincent Stewart, told Congress, "The Open Skies construct was designed for a different era." It "allows Russia to get incredible foundational intelligence on critical infrastructure, bases and ports, all of our facilities, and it gives Putin 'a significant advantage.'"

The STRATCOM, the head of STRATCOM in 2016, commander of STRATCOM said it gives Russia "a capability to be able to reconnoiter parts of our country and other nations."

2017, the Chairman of the Joint Chiefs of Staff, General Dunford, told Congress, "We don't believe the treaty should be in place if the Russians aren't complying."

You told this committee, "Russia is in chronic noncompliance." We are allowing Russia to fly over the United States to engage in reconnaissance on our major cities, our defense infrastructure, New York City, Washington, D.C. We are making ourselves more vulnerable. And we are gaining, as I understand it, little to nothing. Because everything we would gain from the overflights we gain from our satellite technology, and Russia is not complying with the treaty.

How is it possibly in our interest to benefit the Russian military by exposing our defenses while not gaining serious actionable intelligence on the other side?

Dr. FORD. Well, Senator, those are some of the very questions that we are, in fact, considering right now in the course of our Open Skies review. When I said that there are some—that the treaty provides some benefits, I think that is true. There are also clearly, as you quite correctly point out, some problems and some concerns.

I think the relevant question is what sort of the net is between benefits that it offers and the challenges that it presents, and it is evaluating the relative weight of each of those elements on a scale that is precisely the policy question that we are trying to assess.

On the positive, our allies and partners, many of them feel—seem to feel strongly that there are confidence-building benefits and diplomatic benefits that they feel strongly about. We need to take that into consideration, and we are carefully consulting with them.

But at the end of the day, we do need to make a call as to how that—what that net equation looks like, and there are elements on both sides.

Senator CRUZ. Thank you.

The CHAIRMAN. Senator Kaine.

Senator KAINE. Thank you, Mr. Chair. And thanks to both of you for coming.

Secretary Hale, good to see you again. I have seen you in a lot of real estate around the world over the years. I want to begin with you.

The title of this hearing is "The Future of U.S. Policy Toward Russia." Your testimony has a number of references to NATO in your testimony, both written and verbal. So how about just start with the direct question. How important is it to the future of U.S. policy toward Russia that NATO remain strong?

Ambassador HALE. I would say it is absolutely essential. The strength of NATO has been a cornerstone—well, NATO has been a cornerstone of our National Security Strategy since the 1940s, and it is inconceivable what the world would be like if we had not developed that concept and continued to support it until today.

Senator KAINE. NATO has many priorities. NATO has been very helpful to the United States in the battle against terrorism, for example. So it is not as if Russia is the only priority. But I take your testimony that NATO remains very important, and it remains an important element of U.S. policy toward Russia.

Would our NATO allies say the same thing? That a strong, vibrant, continuous NATO is important in their own faceoff vis-a-vis Russia?

Ambassador HALE. I believe so. There may be variations of intensity of view on that point.

Senator KAINE. Right.

Ambassador HALE. But certainly the closer you get to Russia, the more ardent that view is. But I would support that.

Senator KAINE. I have no quarrel with the administration pressing NATO allies to not only, you know, feel the commitment and benefit from NATO, but also to contribute proportionally. I think that is a smart thing to do.

I have a piece of legislation pending before the committee and a few months ago offered it as an amendment to an energy-related bill and, at the chair's request, pulled it aside, and I hope that we may take it up in our next business meeting. The piece of legislation would basically say this. Sort of in honor of NATO's 70th anniversary, it would clarify that no President could unilaterally withdraw from NATO, but that any withdrawal of the United States from NATO would have to be accomplished either by a Senate ratification—the Senate ratified the NATO treaty—or through an act of Congress.

Would something like that provide assurance to our NATO allies that the United States intends to stay in NATO and be a partner as we use that alliance structure to benefit not only the United States, but other nations in the world?

Ambassador HALE. Well, Senator, I do not want to address the specifics of your legislation. There may be other dimensions to the legal authorities and privileges for the executive branch in play there.

But I would say that in my meetings, at any rate, with NATO allies there is no alarm over the U.S. position. They are focused on appropriate burden-sharing. Our conversations—

Senator Kaine. How about the French president saying that he viewed NATO as being on brain death because of concerns among European allies that the United States was backing away from NATO?

Ambassador Hale. I do not want to characterize the French president's comments. I mean, that is up to him——

Senator Kaine. You would not characterize that as an expression of alarm?

Ambassador Hale. I would say he has legitimate concerns. We all need to focus on NATO's future and make sure that it is relevant to the challenges——

Senator Kaine. And be clear in our commitment to them.

Ambassador Hale. And clear in our commitments. Absolutely, sir.

Senator Kaine. Well, my hope is this piece of legislation, which is bipartisan, I think it would send a strong message that the United States, under any administration, under Congress of whichever party's dominance, would be very, very committed to NATO.

There is a legal question that has been raised. It takes the Senate, a two-thirds vote of the Senate to ratify a treaty. NATO was ratified by the Senate in that way. The Constitution is silent about exiting from treaties.

The relevant case law from the Supreme Court makes pretty plain when the Constitution is silent on something like that, Congress is free to legislate. There is no barrier to Congress legislating. So right now, the situation without legislation is an ambiguity. But Congress can legislate and remove the ambiguity and provide reassurance to our NATO allies.

At this 70th anniversary of this very, very important—to your own testimony, and I think others would agree—alliance, it is my hope that we would send that signal. That a treaty that was entered into by the Senate cannot be unilaterally discarded by any President but would require some congressional action prior to it being withdrawn or the U.S. presence in it being withdrawn.

So just to my colleagues, I hope that we might be able to take that up, and I think at the 70th anniversary, we could send some strong messages of the importance of the alliance that you continue to attest to, to our allies.

So, with that, Mr. Chair, I yield back.

The CHAIRMAN. Senator Rubio.

Senator Rubio. Thank you. Thank you both for being here.

I find it—first of all, I have been consistently and aggressively outspoken about the threats posed by Russia I believe going back to October of 2016. I was a candidate on the ballot, and I would not comment on the leaks and things that were coming out. I said it was the work of a foreign power then.

But I also am fascinated how a nation—I understand there are tactical nuclear weapons, and I understand there are strategic nuclear stockpile and so forth, but I find it fascinating, if we just take a deep breath here, how totally consumed American politics has become by a nation whose GDP is equivalent to Italy's and the State of New York, whose GDP is less than the State of Texas and Brazil's, and whose GDP is half the size of the State of California.

And I thought there was a really important question today. Earlier, I was watching on the broadcast. Senator Romney asked what their goal is, and I want you both to comment on this. One of the things I think Americans do not fully appreciate or understand is there are a lot of different ethnic groups within the Russian Federation, and they have always had friction internally, domestically.

You combine that with the rising prices, a growing sense of injustice and inequality, and what you have is, in many ways, a lot of what we see around the world and even here what they try to do in the U.S. is about Vladimir Putin and trying to position himself as this great historic unifier of all of these different groups.

You go back to 2014. They invaded Crimea. It was a high point in the public polling on his behalf because he built a sense of national unity around that, right? The argument to all these different groups within Russia that he was the one that they all faced the same threat from the West, and he was the one that was bringing them together.

And you even see now in many of the things he is doing around the world that much of these policies and much of what he is doing is designed to remind people of the time when the Soviet Union vis-a-vis Russia were a great global power, and much of this is, as much as anything else, about distracting from the domestic problems that they face internally.

Is that not a big, if not a significant, the significant driver of a lot of these things at the end of the day is a desire to address these internal things and rally everyone around this nationalistic sense of pride by distracting from the domestic policies and to portraying himself as an indispensable leader and Russia as a great power? Which they are not economically, but they can project power militarily and in smart and creative ways that allow him to pull off this charade.

Ambassador HALE. Yes, Senator. You have said more eloquently what I tried to say in response to Senator Romney's question that precisely that, that this is a matter of Russia and Russia's leader trying to live up to a self-image as a global power and that much of that is in order to distract from the internal problems within Russia that they are experiencing.

Senator RUBIO. In that sense, I would imagine he deeply enjoys—not that we should not look into things or talk about and so forth. But it would be my sense that he greatly enjoys watching so much of American politics be about Vladimir Putin and consumed by it for the last 2 1/2 years. I mean, that certainly makes the argument, does it not?

Ambassador HALE. It is consistent with what we know the Russians are trying to do through social media and other tools to divide our Nation.

Senator RUBIO. And the reason why I say that is not because I do not want us to focus on those issues. I am a member of the Intelligence Committee. We spent 2 years looking at it and talking about issues of what I thought was a very good bipartisan report, but I think we somehow have to figure out in this country how to do two things.

On the one hand address these threats. I believe one of the things we need to do is pass the DETER Act, which would actually

put in place sanctions that would kick in, if and when Russia were to do this again, because I do think Putin is a cost-benefit analyzer. He looks at the—cost-benefit player, and if the costs outweigh the benefits, it would most certainly affect him.

But I also think we need to be conscious about or at least aware of these ongoing efforts. This is not a one-off effort on the part of the Russians via the efforts that Putin has put in. For example, this whole impeachment situation that is playing out nationally, and I do not expect you opine on it. But I will tell you that you can see, you can just stand back and watch how they are even using this as a way to sort of—the first thing they say is America is completely dysfunctional.

The second argument is they are eroding trust in democracy, that it does not work, that I think they also view it as an opportunity to damage our relationship with Ukraine. And I think the goal ultimately, as I said, is to portray the U.S. as dysfunctional, to exacerbate our domestic tensions, which adds to that portrayal of dysfunctional, and also to argue that our system is corrupt.

And I think it is as important as anything else. I think sometimes we get tunnel vision, and we think that this is about supporting one singular individual or what have you. This is much bigger than that, and this is going to be here long after any of us are gone.

It is this effort to weaken us from the inside, get us to fight one another, and to point to us as dysfunctional, not working, coming apart at the seams. Because it also elevates him as a person who, in some ways, has this sly smile on his face every time he is blamed for it because it sort strengthens the argument that he is this big global player.

That is my comment.

The CHAIRMAN. Thank you, Senator Rubio. Senator Menendez.

Senator MENENDEZ. Thank you, Mr. Chairman.

Just a couple of things. I agree with my colleague and friend. The only thing I would say is that we harm ourselves more when we internally ultimately espouse the very essence of the Russia propaganda. That is, to me, one of the most detrimental elements of what has been happening.

But Secretary Hale, on a different matter for the moment, I am alarmed to have learned today that Secretary Pompeo may be considering changing the way in which the State Operations Center places and participates in calls with foreign leaders. I am concerned about the lack of transparency and lack of recordkeeping that such a change may entail, in effect keeping the American public and Congress in the dark at a time when we know that the President, senior State Department officials, and others appear to be carrying out official U.S. Government foreign policy on personal cell phones.

I am not looking for an answer from you today, but this committee needs to understand what changes are being proposed, how the Department will maintain full and complete records, and what the intent is behind what appears to be an effort to keep the American public, Congress, and others from knowing about or understanding our Government's communications with foreign leaders. And I urge you to bring this back to the Secretary because if there

was ever a time that such an action would be disconcerting, it certainly is right now.

Ambassador HALE. I am not aware of any proposed change to our policy. The Secretary is in London today, but I understand your concerns and questions. I will take it back to the Secretary of State, and we will get back to the committee.

Senator MENENDEZ. I appreciate that. Now very briefly, Secretary Ford, you know, you repeated something earlier in response to the chairman's first rounds of questions that detractors of New START repeatedly bring up, that Russia's new exotic nuclear systems and how the treaty may not constrain these systems are an issue.

But you must be aware that Russia has already stated that two systems, the Sarmat ICBM and Avangard hypersonic glide vehicle, will fall under New START. Is that not true?

Dr. FORD. I believe the Russians have said that, and hopefully, that, indeed, turns out to be the case. There would still be three systems then—the Burevestnik, the Poseidon, and I believe the Kinzhal—that would, of course, not be covered in that respect.

Senator MENENDEZ. Well, here is the thing. When we say that, in fact, you know, we cannot imagine that these new systems would not be covered, well, here is two already that the Russians themselves have agreed to cover. And if you do not explore in a negotiation what is willing to be covered, then I do not think you can dismiss it out of hand.

Other, further reports indicate that other systems of concerns likely will not even reach deployment during the lifespan of New START, even if it is extended. So I join the echoes of concerns that several of my colleagues have said. First, on the China angle, China is dramatically under the U.S. ability in the nuclear arsenal. So seeking to include them creates a real dilemma in terms of what Senator Merkley obviously pointed out.

And secondly, suggesting that Russian systems are a reason not to continue New START is also alarming, when we have seen that they have agreed to two and maybe, when pursued, might agree to others. So I would urge the administration looking at New START in a totally different way, and I think that even our—some of our allies have urged us to do so.

Let me ask you something else. Egypt is reportedly planning to purchase Russian Sukhoi jets. Have you had meetings with the Egyptians to dissuade them from making this purchase?

Dr. FORD. Well, Senator, I am not in a position to speak about any specific information we may or may not have about any particular potential Russian arms transactions. I can say that we have been very active—

Senator MENENDEZ. Well, I know about it. So I do not know why we are not talking about it. What is this big hush? It is out there in the public realm.

Dr. FORD. But what I can say, sir, is that we have been very active around the world, including with partners, amongst them Egypt, making very clear that they—helping them understand the potential for CAATSA Section 231 sanctions exposure. I, myself, have had conversations making those points about the importance

of the law and avoiding that exposure personally in Cairo, as well as elsewhere.

These are the kinds of engagements that we have been, I think, very successful in having around the world and have been essential in our CAATSA diplomacy to turning off or dissuading billions of dollars' worth of already.

Senator MENENDEZ. I would like to get a—I would like to get a classified briefing if you are not going to answer in public on this and other items as to where it is that we are pursuing other entities in the world.

Finally, my understanding is you have been given all the authorities of the Under Secretary for Arms Control and International Security. Is that correct?

Dr. FORD. On the 21st of October, Secretary Pompeo delegated to me the authorities and responsibilities of that office, sir. Yes.

Senator MENENDEZ. Okay. Now here is an example. While you may be very capable of doing that, you have not been nominated for such a position. This appears to be another case of the State Department playing fast and loose with the rules in hopes that no one will notice.

In order to do that, you should be nominated for the position. And if you were nominated, under the law, you would be allowed to serve in that role for only 210 days. So this is another concern I have for the State Department, acting in ways that seeks to circumvent the oversight and jurisdiction of this committee. It is not acceptable. It is not acceptable.

Dr. FORD. I would say, Senator, that there is, of course, no intent to circumvent anything. What there is, is recognition of the importance of not having those important duties be gapped. I am filling in until—

Senator MENENDEZ. Oh, I agree with you. Nominate somebody. Nominate somebody. But at the end of the day, do not circumvent the committee.

I mean, you all think that we are asleep at the switch here. We are not. We are not.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. We have a couple of minutes left on the vote, but Senator Cardin, did you want another?

Senator CARDIN. Yes, thank you very much. That is right. We did start a vote.

Fortunately, the floor tolerance on votes seems to be pretty extensive. As long as the chairman stays here, I know I am safe.

The CHAIRMAN. We have another important matter. That is the picture of the committee.

Senator CARDIN. Yes. I will try to make this as quick as I can. I want to get to Russia's intentions in regards to Ukraine. We know the occupation of Crimea, what is happening in Eastern Ukraine falls into Russia's playbook to seed disunity in Europe, to prevent Ukraine from fully integrating or even applying for NATO membership. We know that.

We also know that—and we have had many questions on this during this hearing—that the press accounts of Ukraine being involved in our election, which has been stoked by some individuals, works into Russia's playbook, even though there are no facts at all

from any of the security people, the Intelligence Committee, diplomacy, that Ukraine was involved at all in the 2016 elections.

I want to get to how we are proceeding with the peace talks. We first had Minsk, the Minsk Protocols, and Russia was very excited about that but just never complied with it. So I am not sure exactly what their intentions are.

We now have the Steinmeyer formation, and I would like to get from Secretary Hale your thoughts about how we are proceeding. Is Russia winning this debate on how we are going to resolve the conflict in Ukraine by developing a formula that will ignore the occupation of Crimea and establish semi-autonomy for Eastern Ukraine, but still keeping Ukraine a divided country? Is that where we are heading? What is going on in this process?

Ambassador HALE. We are united with our allies in Europe and, of course, with the leadership in Ukraine to get the Russians out of Ukraine. Crimea is part of Ukraine. Eastern Ukraine is part of Ukraine. So that is the objective, and we call for the immediate end to this occupation.

Now our focus—there are several initiatives, as you have said, and it is good that the Normandy process is resuming after a long period where there was really nothing happening. We will see what comes of that meeting on the 9th of December. I do not want to predict something that has not fully formed yet.

But we have also seen that President Zelensky has, with some success, been able to engage in dialogue with the Russians to at least reduce the tension. But we need to see much more on the security front prior to any political activities related to Minsk, and that gets to the heart of the issue of the occupation.

Senator CARDIN. And as it relates to the Steinmeyer formulation that was recently released, it looks like Ukraine is following that. Russia seems to be excited about it, at least from what we have been told. Are we assured that we are not going to end up with some type of legitimacy of Russia and Crimea?

Ambassador HALE. We will never accept that.

Senator CARDIN. Well, that is pretty definitive. I appreciate that. I think you have a lot of support here in Congress for that position. Obviously, we would like to ease the tensions wherever we can. So that is certainly a positive step.

But as we have seen, Russia does not play by any organized playbook of fairness on each side. Their objective is to keep us divided. So it is hard for us to imagine that they are going to follow any process that does not extend the division of Ukraine.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Thank you to both of our witnesses. We sincerely appreciate your service to the country and appreciate your testimony here today.

I will be entering some supplemental materials for the record as well for the information of the members. The record will remain open until the close of business Friday. If the witnesses could respond rapidly to questions, we would greatly appreciate it.

[The information referred to is located at the end of the hearing]

With that, the committee is adjourned.

[Whereupon, AT 12:04 p.m., the hearing was adjourned.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

RESPONSES OF HON. DAVID HALE TO QUESTIONS
SUBMITTED BY SENATOR ROBERT MENENDEZ

NORMANDY FORMAT TALKS

Question. The next round of Normandy negotiations will take place next week. Who is the lead within our government on ensuring full implementation of the Minsk agreements? In the past, we have had senior officials from Assistant Secretary Victoria Nuland to Ambassador Kurt Volker fulfill that role. How many trips has that lead made to Paris, Berlin, Kyiv or Moscow to implement the agreement? How many times has that lead met or communicated with Russian negotiator Vladislav Surkov? How many times has that lead met with Russian negotiator Dmitry Kozak?

Answer. EUR Acting Assistant Secretary of State Reeker visited Kyiv on December 4 and spoke with Ukrainian, French, and German officials in the days prior to the Normandy format Summit in Paris on December 9. Under Secretary Hale and Acting Assistant Secretary Reeker also spoke with Ukrainian, French, and German officials after the summit.

Our engagement with Russia depends on Moscow's readiness to engage constructively and fully uphold its Minsk agreements obligations. AA/S Reeker met with Russian officials in Moscow in September, including Deputy FM Ryabkov. We look forward to the arrival of former Deputy Secretary Sullivan in Moscow later this month to begin his tenure as U.S. ambassador to Russia.

BORIS NEMTSOV'S ASSASSINATION

On February 27, 2015, Russian opposition leader Boris Nemtsov was gunned down on a bridge in front of the Kremlin. Nearly 5 years on, the organizers and masterminds of his assassination remain unidentified and unindicted. In June, the Senate unanimously passed S. Res. 81 that "condemns Vladimir Putin and his regime for targeting political opponents and working to cover up the assassination of Boris Nemtsov" and "urges the United States Government, in all its interactions with the Government of the Russian Federation, to raise the case of the assassination of Boris Nemtsov and underscore the necessity of bringing the organizers and masterminds to justice."

Question. What is the U.S. Government currently doing to advance this goal?

Answer. Since Boris Nemtsov's assassination, the Department has been outspoken in calling for justice, both in public and in private, bilaterally and in multilateral settings. We continue to make statements commemorating his tragic death and honoring his legacy. Department officials took part in the 2018 dedication ceremony of Boris Nemtsov Plaza in Washington, make visits to the site of his murder to lay flowers, and continue to meet with his family and colleagues to express our support and commitment to the ideals to which Nemtsov dedicated his life.

Unfortunately, despite international pressure, the Russian government has failed to conduct an objective investigation into the

killing. As we made clear at the time that Russia convicted five low-level operatives for carrying out the crime, we will not consider justice to be done until all those who are responsible for it, including those who organized and ordered it, are identified and held to account. In May 2019, the U.S. government imposed sanctions under the Russia Magnitsky program on Ruslan Geremeyev, an officer in the Chechen Ministry of Interior, for his role in organizing Nemtsov's murder. We were saddened to use the very law for which Nemtsov lobbied so strongly in life to impose sanctions on those responsible for his death, but believe this step sent a strong message to Russia about the need for justice.

POLITICAL PRISONERS IN RUSSIA

According to the Memorial Human Rights Center, Russia's most respected human rights organization, there are currently 318 political prisoners in the Russian Federation. They include journalists, opposition activists, peaceful demonstrators, adherents of prohibited religious groups such as Jehovah's Witnesses, and members of "undesirable" political organizations such as Open Russia. According to Memorial, in the last 4 years the number of political prisoners in Russia has increased five-fold. Politically motivated incarceration violates Russia's obligations under the OSCE, and is thus of legitimate concern to the United States as a fellow OSCE member:

Question. What is the U.S. Government doing to advocate for Russia's political prisoners and push for their release?

Answer. The Department fully shares your concern about the troubling growth in the number of political prisoners in the Russian Federation. We routinely highlight this problem in public messaging and in multilateral fora, including at the OSCE. We engage bilaterally with the Russian government to urge the release of individual prisoners of concern, and frequently highlight such cases on social media. We have been supportive of the diplomatic efforts that have led to the release of Ukrainian political prisoners held by Russia through prisoner exchanges. Whenever feasible, Embassy Moscow observes the trials of political prisoners. When legal thresholds are met, we have used sanctions to respond to reports of abuses against political prisoners. For example, in May 2019, the Treasury Department imposed sanctions under the Russia Magnitsky program on the head of a prison colony for his role in the torture of Ildar Dadin, an activist jailed for participation in peaceful demonstrations.

Approximately 75% of those on Memorial's list have been jailed for their exercise of religious freedom. This was one weighty factor that led the Department to place Russia on the "Special Watch List" of severe violators of religious freedom in both 2018 and 2019.

SOLICITING INVESTIGATIONS BY FOREIGN POWER

Question. Is it ever appropriate for the President to use his office to solicit investigations by a foreign power into a domestic political opponent?

Answer. That is not what I would advise.

AMBASSADOR YOVANOVITCH/SUPPORT FOR PERSONNEL

Earlier this year, a respected Ambassador—one who you said was doing an “exceptional job,” was subjected to a baseless smear campaign, and asked for her Department’s help in defending her. It did nothing, and she was recalled (even after you personally asked her to extend her stay in Ukraine). When the President referred to her as “bad news,” the Department still did nothing. Before that, multiple employees from a bureau—one that you oversee—reported that they had been targeted for perceived political beliefs and ethnicity. Yet, the Department took no action. In recent weeks, a number of Department officials, yourself included, have testified before the House. Many have faced bullying, smears, and worse, including by the President. Yet, the Department has said nothing:

Question. Has the Department done enough to stand up for career Department personnel?

Answer. The Department has no greater resource than our people, the more than 75,000 career employees, Foreign Service, Civil Service, and Locally Employed Staff who work domestically and abroad to advance America’s foreign policy goals. The Department takes seriously any allegations of mistreatment of Department employees and provides a range of resources to address such misconduct.

Question. How do you explain the Department’s silence to date in defending Ambassador Yovanovitch?

Answer. I, along with other senior Department officials, have publically supported Ambassador Yovanovitch.

Question. Does the Department’s failure to issue a public statement of support for Ambassador Yovanovitch trouble you?

Answer. I, along with other senior Department officials, have publically supported Ambassador Yovanovitch.

Question. In your personal opinion, how have the attacks on Department personnel affected morale?

Answer. The Department is a large organization and as has been consistent since the Department’s establishment, there are a range of views that represent the diversity of our employees. I am continually impressed and inspired by the men and women of the State Department who come to work every day in Washington and across the world and apolitically carry out America’s foreign policy and advance our national security objectives. As always, we are focused on our work and getting the job done.

Question. What message does the Department’s failure to hold perpetrators of political retaliation and targeting fully accountable send to employees?

Answer. The events that occurred in the Bureau of International Organizations (IO) were completely unacceptable and negatively affected the morale in a vital bureau. Bureau leaders cited by the OIG report have since left, and we are working to reestablish trust and accountability within IO. I have held several meetings with IO employees to hear their concerns, solicit their feedback, and pre-

view our corrective action plan. That action plan is being implemented. I am personally exercising greater oversight over IO's work and personnel selections until that trust and accountability has been restored.

Question. As you know, I wrote Secretary Sullivan and Under Secretary Bulatao expressing my concern about retaliation against Department employees who have testified before Congress as part of the House impeachment inquiry. What are you doing, personally, to ensure that employees are not subject to any adverse action? (I am aware of Undersecretary Bulatao's response; I would like to hear what you will do).

Answer. I have provided the text of Under Secretary Bulatao's letter to the regional Assistant Secretaries under my chain of command and instructed them to ensure that all the employees are aware of the laws and policies regarding prohibited personnel practices and that they understand how to report suspected violations.

SHADOW UKRAINE POLICY

Question. Sondland testified that as late as September 24, 2019, Secretary Pompeo was directing Kurt Volker to speak with Giuliani. Did you think this was appropriate?

Answer. I had no knowledge of these activities, and therefore no basis to judge.

Question. Sondland testified that he kept the senior leadership of the State Department and the NSC about his communications and dealings with Giuliani, which included specific mentions of the 206 election and Burisma as "topics of importance to the President." What did you know about a shadow Ukraine policy being carried out Rudy Giuliani? Did it concern you? Did you think it was appropriate? What did you do to stop it?

Answer. I had no knowledge of these activities.

Question. Are you aware of Rudy Giuliani playing any role in any other area of U.S. foreign policy beyond Ukraine?

Answer. I have no personal knowledge of any such role.

Question. Are you aware of any "unofficial" diplomatic channels beyond Ukraine? If so, what?

Answer. I have no personal knowledge of any such channels.

RETALIATION

In August 2019, the State Department Inspector General found that Ambassador Moley made "inappropriate accusations of disloyalty" to career employees. Ambassador McKinley testified that the Department's failure to remove Assistant Secretary Moley after those findings had an adverse impact on morale at the Department:

Question. Do you agree with Ambassador McKinley's assessment that the Department's failure to take any action against Ambassador Moley had a negative effect on morale?

Answer. The events that occurred in the Bureau of International Organizations (IO) were unacceptable and negatively affected mo-

rale in the bureau. Bureau leaders cited by the OIG report have since left the Department, and we are working hard to reestablish trust and accountability in the bureau.

Question. What do you think the Department could have done differently or better?

Answer. I have held several meetings with IO employees to hear their concerns, solicit feedback, and discuss our corrective action plan. That plan aims to prevent a similar situation in the future by improving communication within the bureau, training staff on available resources to report poor behavior, and increasing engagement with my office. The plan is being implemented, and I am personally exercising greater oversight over IO's work and personnel selections until that trust and accountability can be restored.

Question. What steps are you personally taking to ensure that political retaliation does not take place in the future?

Answer. The Department takes allegations of retaliation seriously. I have communicated the Department's policies on retaliation to the leadership of the bureaus under my chain of command to ensure all employees fully understand the laws and policies on prohibited personnel practices and that they know where to report suspected violations.

Question. What additional steps can the Department take to ensure employees remain free from any political retaliation?

Answer. The Department, in coordination with the Office of the Inspector General's Whistleblower Protection Coordinator, works diligently to ensure employees are aware of their rights under the Whistleblower Protection Act, as well as to ensure accountability for any documented retaliation. The Under Secretary for Management, Director General, and others are examining additional avenues to educate and inform employees about their rights and to ensure managers are equipped to address any suspected violations.

Question. How would you characterize the morale in IO and the Department at large after the publication of the IG's August 2019 report? Has the morale improved?

Answer. As in any large organization, Department of State employees reflect a variety of views and opinions about the state of the organization. Department leadership is committed to maintaining employee satisfaction, and we take seriously any allegations of prohibited personnel practices, including politically-motivated retaliation against Department employees. The events that occurred in IO negatively affected morale in that bureau, and we are taking steps to rectify the situation. Our corrective action plan aims to improve communication within the bureau, train staff on available resources to report poor behavior, and increase engagement with my office.

Question. What are you doing to ensure that employees in IO are treated properly and feel free to raise concerns with senior officials?

Answer. Bureau leaders cited by the OIG report have since left the Department, and we continue to reestablish trust and accountability within the bureau. I have held several meetings with IO

employees to hear their concerns, solicit their feedback, and discuss our corrective action plan. I have also invited employees to meet me individually to discuss any concerns privately. I am personally exercising greater oversight over IO's work and personnel selections until that trust and accountability have been restored.

RESPONSES OF CHRISTOPHER A. FORD TO QUESTIONS
SUBMITTED BY SENATOR ROBERT MENENDEZ

SERBIAN PURCHASES OF RUSSIAN WEAPONS

Question. Serbia has reportedly purchased a Russian Pantsir system, and I understand that the State Department sent a team to Belgrade to discuss this purchase. Can you please share the details of those conversations? Is this purchase a significant transaction?

Answer. On November 8, 2019, the Department of State sent the Director of the Bureau of International Security and Nonproliferation's Task Force 231, which leads U.S. implementation of Section 231 of the Countering America's Adversaries Through Sanctions Act (CAATSA 231), to meet with senior officials from the Serbian government, including the Ministers of Foreign Affairs, Defense, and Finance. The visit is an example of the consultations the Department conducts with U.S. partner and allied governments around the world regarding the implementation of CAATSA Section 231. The discussions were intended to ensure clarity about the need for full implementation of CAATSA 231 with respect to any Serbian transactions with Russia's defense or intelligence sectors. The United States welcomes the Serbian government's pledge of increased transparency and looks forward to close cooperation with regard to Serbia's intentions and activities.

The Secretary of State has made no determination pursuant to CAATSA Section 231 with respect to any transaction between Serbian entities or individuals and Russia's defense or intelligence sectors, and we cannot pre-judge sanctions determinations.

Question. I also understand that earlier this month the Serbian military took delivery of four Mi-35Ma multi-role combat helicopters from Russia. What conversations has State had with the Serbians regarding this transaction? How much did Serbia pay for these helicopters? Is this delivery a significant transaction?

Answer. The United States has encouraged all its partners and allies, including Serbia, to avoid transactions for new weapons systems, such as combat helicopters, from Russia's defense sector, due to the risk of possible sanctions under Section 231 of the Countering America's Adversaries Through Sanctions Act (CAATSA 231).

The Secretary of State has made no determination pursuant to CAATSA Section 231 with respect to any transaction between Serbian entities or individuals and Russia's defense or intelligence sectors, and we cannot pre-judge sanctions determinations. Serbia has not publicly confirmed the financial or other terms of the procurement deal for the Mi-35s.

Question. If sanctions are not imposed over these purchases, aren't you concerned that Russia will only deepen its ties in Serbia?

Answer. The Department of State has encouraged all its partners and allies to avoid transactions for new weapons systems with Russia, due to the risk of possible sanctions under CAATSA Section 231 and the increased dependency upon Russia that such transactions foster. Our goal in fully implementing the law is to deter transactions that would otherwise generate revenue, access, and influence for the Russian government. As a result of our engagements, we have deterred or delayed billions of dollars in potential Russian arms sales worldwide while thus far only imposing CAATSA Section 231 sanctions once—on China's main military procurement entity, the Equipment Development Department, and its director, Li Shangfu, in September 2018.

We encourage the Government of Serbia to acknowledge the value of its partnerships with both NATO and the United States, and note that on December 3, 2019, Serbian President Vucic publicly stated that Serbia's armed forces would "stop buying weapons" from any supplier.

Question. According to the administration, what is the current status of the Open Skies Treaty?

Answer. The United States continues to implement the Treaty on Open Skies, and we are in full compliance with our obligations under the treaty, unlike Russia. The United States remains committed to effective arms control that advances U.S., allied, and partner security; is verifiable and enforceable; and includes partners the comply responsibly with their obligations. We will continue to approach the Treaty on Open Skies from that perspective.

Question. Have you consulted with our allies about the future of the Open Skies Treaty? Do our allies believe they gain militarily valuable information from Open Skies flights?

Answer. The United States regularly consults with Allies on the Treaty on Open Skies. A number of Allies have told us they value the Treaty and view it as a key confidence-building instrument, including for gathering information on Russian military formations and troop deployments. We continue to work with our Allies and partners on all compliance and implementation issues related to the Treaty on Open Skies.

Question. Is it true that the sensors of Open Skies aircraft are carefully limited in the resolution of the visual information they can acquire? And that the United States certifies every sensor Russia uses on its Open Skies flights? Is it true that Russia has satellites with higher degrees of resolutions than Open Skies aircraft?

Answer. Article IV, paragraph 1 of the Treaty on Open Skies provides for four different categories of sensors (optical panoramic and framing cameras, video cameras with real-time display, infrared line-scanning devices, and synthetic aperture radar). However, in accordance with Article IV, paragraph 11, no sensor may be used on an Open Skies observation mission without first being certified. The certification process, in which every State Party has a right to participate, is described in Annex D to the Treaty. To date, only op-

tical panoramic and framing cameras and video cameras with real-time display have ever been certified for use on Open Skies missions.

Article IV, paragraph 2 of the Treaty limits the ground resolution for optical and video cameras to no better than 30 centimeters. An important purpose of the certification process is verification that the sensor complies with the Treaty-mandated resolution limit. Once a sensor has been certified, it may be used on Open Skies missions, subject to pre-flight inspections before each mission to confirm that the observation aircraft, its sensors, and associated equipment correspond to those certified.

Question. Is it true that Russia has to share all of the information they gather on Open Skies flights with the United States and all other treaty parties?

Answer. Yes. Article IX, Section IV of the Treaty on Open Skies requires that imagery collected by sensors during Open Skies observation flights be made available to all States Party upon request.

Question. During our Open Skies flights over Russia, do the United States and our allies gather information on Russia's military infrastructure, nuclear testing facilities, military bases, conventional and nuclear forces?

Answer. The Department of State refers all questions on imagery collection to the Intelligence Community.

Question. How many missions over Russia did the United States and our allies conduct in 2019? How many flights did Russia conduct over the United States in 2019?

Answer. The United States, alone or with a partner, conducted 15 Open Skies observation missions over Russia in 2019. Our Allies and partners overflew Russia an additional 15 times. Russia overflew the United States eight times in 2019.

Question. Do you believe it is in the security interests of the United States to remain party to the Open Skies Treaty?

Answer. The United States has not withdrawn from the Treaty on Open Skies; we are in full compliance with our obligations under the Treaty, unlike Russia. The United States remains committed to arms control efforts that advance U.S., Allied, and partner security, are verifiable and enforceable, and include partners that comply responsibly with their obligations.

RESPONSES OF DAVID HALE TO QUESTIONS
SUBMITTED BY SENATOR BENJAMIN L. CARDIN

ELECTION SECURITY

In July 2019, FBI Director Christopher Wray told the Senate Judiciary Committee that "the Russians are absolutely intent on trying to interfere with our elections," and in October 2019, Facebook reported that it removed a Russia-based network of Facebook and Instagram accounts (together with three Iran-based networks) engaged in a disinformation campaign targeting U.S. presidential candidates. Former DNI Dan Coats said that Russia, among other

nations, is “increasingly using cyberoperations to threaten both minds and machine in an expanding number of ways—to steal information and to influence our citizens.” Former Special Counsel Robert Mueller found in his recent report that Russia interfered in a “sweeping and systematic fashion” in our 2016 presidential election:

Question. Do you agree with these assessments from the FBI, DNI, and Special Counsel?

Answer. I agree with the intelligence community’s assessment that Putin ordered an influence campaign in 2016 aimed at the U.S. presidential election; one of the objectives of Russia’s influence campaign was to erode faith in U.S. democratic institutions. I also agree with the DNI statement in December 2018 that while there was no evidence that U.S. election infrastructure was targeted in the 2018 midterms, the intelligence community saw Russia conduct influence activities and messaging campaigns targeted at the United States to promote their strategic interests. I anticipate that Russia will continue to try to promote Moscow’s strategic interests, stoke internal division, and erode faith in U.S. democratic institutions in the lead up to the 2020 elections.

Question. Is the United States government doing enough to deter and prevent Russian election interference in the United States or elsewhere? What specific steps would you additionally take to deter Russian interference?

Answer. The administration is working on a whole-of-government basis—together with an integrated public-private coalition—to ensure the security of America’s elections. This administration has imposed serious sanctions on Russia for prior attempts at election interference, including a new round of sanctions in September 2019. I have been clear with Russian officials that there will be serious consequences should Russia or its proxies attempt to interfere in our electoral processes again. The Department will continue to emphasize to Moscow that Russia will meet swift costs for attempts to interfere in democratic processes.

Question. What are Russia’s objectives in seeking to interfere in the 2020 U.S. presidential election?

Answer. I anticipate that Russia will continue to try to promote Moscow’s strategic interests, stoke internal division, and erode faith in U.S. democratic institutions in the lead up to the 2020 elections.

ELECTION SECURITY AND LEGISLATION

Last summer, we became aware that a Russian oligarch close to Vladimir Putin became the largest investor in a fund tied to the company that hosts Maryland’s statewide voter registration, candidacy, and election management system; the online voter registration system; online ballot delivery system; and the unofficial election night results website. The disclosure to state officials of this change in ownership was made by the FBI and not the company itself. This is why Senators Klobuchar, Van Hollen, and I introduced the Election Systems Integrity Act (ESIA) (S. 3572), which

would require disclosure of foreign ownership of election service providers.

In 2016, accounts tied to Russia circulated misinformation targeted to African American groups. The messages contained incorrect information about voting, and were designed to sow division. Senator Klobuchar and I have also introduced the Deceptive Practices and Voter Intimidation Prevention Act (S. 1834) which, among other actions, addresses the use of digital platforms to disseminate false information regarding federal elections to U.S. voters:

Question. Do you believe this legislation would help prevent Russian interference in the 2020 election?

Answer. The Department appreciates the critical goals of protecting U.S. elections from foreign interference and deterring malign disinformation campaigns. As a practical matter, the administration, with the help of Congress, already has ample authorities to address malign Russian behavior, including EO 13848 (Imposing Certain Sanctions in the Event of Foreign Interference in a United States election), EO 13694, as amended by EO 13757, which targets malign cyber-enabled activities, and CAATSA, which targets a range of Russian conduct. The administration appreciates Congress providing this authority.

Question. Will you commit to review both the ESIA and the Deceptive Practices and Voter Intimidation Prevention Act?

Answer. Yes, I commit to reviewing the ESIA and Deceptive Practices and Voter Intimidation Prevention Act.

CORRUPTION

Russia uses transnational corruption networks to influence politicians, gain access to elite circles, and produce foreign policy outcomes advantageous to both Russia and its authoritarian model. This system uses ill-gotten gains to exert foreign influence. Sergei Magnitsky's murder is just one example of the measures Putin will take to ensure his corrupt regime thrives.

Question. How can the United States combat this weaponization of corruption? How can we be more proactive in engaging in anti-corruption diplomacy?

Answer. Our response to Russia's export of corruption to achieve its political objectives continues to be rooted in democratic principles of transparency, accountability, and integrity. We will proactively identify and publicly address Russian corruption and speedily impose sanctions on corrupt foreign officials and agents working on behalf of or aligned with Russia. We will also continue to work with our allies to press Russia to uphold its anticorruption obligations and defend against attempts by Russia to distort the international anticorruption framework. We will use all the tools of diplomacy, including foreign assistance, to insulate our partners from all avenues of Russia's malign influence.

Question. Corrupt Russian officials go about conducting all manner of malfeasance to protect their interests, twist the system of governance to their will, and silence rivals, dissidents, activists, journalists, and others who might expose their wrongdoing. They achieve this through a combination of reputation laundering and

transnational repression, such abusive red notices at INTERPOL, defamation lawsuits meant to bankrupt their target, or plain old assassination. How can the United States counter these two aspects of Russian foreign policy?

Answer. As a democratic country that values freedom of speech, we must continue to respond quickly and publicly to Russian officials' misuse of legitimate institutions to silence their political critics. The U.S. government will continue to work with allies and partners to quickly identify and address these abuses by corrupt Russian officials. We also will continue to coordinate with allies and partners to push back against Russia's attempts to undermine or abuse the international framework to combat corruption. One example of progress to this end is INTERPOL's reforms allowing for a legal review of red notices prior to publication.

Question. How can the United States and our allies work to diminish our roles as safe havens for Russian illicit wealth? How can we cease to be a complicit element of authoritarian kleptocracy?

Answer. The U.S. government will continue its whole-of-government approach—in addition to its combined efforts with allies and partners—to identify Russian individuals and corporations who attempt to obfuscate their identity and nationality to bring money into the United States illegally and take measures to prevent them from doing so.

RUSSIAN INFLUENCE ABROAD

With a GDP slightly smaller than that of the state of New York, Russia seeks to play an outsize role in influencing world affairs to its strategic and economic advantage. Putin's interference since 2015 has permitted Bashar al-Asad's regime to maintain its stranglehold on Syria, sought to drive a wedge between the United States and its NATO ally Turkey, undermined U.S. influence in Latin America, and promulgated an African agenda based on weapons sales, securing contracts for energy and mineral rights, and helping to conduct disinformation campaigns to benefit dictatorial regimes sympathetic to Russian priorities.

Question. What is the U.S. position on current Russian activities in Syria?

Answer. Russia has unique influence over the Asad regime due to the political and military support it provides, and Russia could do more to promote resolution of the conflict pursuant to UNSCR 2254. Many of Russia's activities in Syria are destabilizing. Russia continues to provide military support for the Asad regime's offensive against the last rebel-held enclave of Idlib—which has killed and displaced countless civilians—despite international condemnation. Russia also provides political support to the regime at the U.N. and other venues, which shields the regime from criticism that it is not making progress on the political process and prevents it from being held accountable for its chemical weapons use.

Question. How does the withdrawal of U.S. forces from Syria affect Russia's military and diplomatic role in Syria and the broader Middle East?

Answer. The United States continues to work with partners and allies in the region to counter Russian influence. We have used and will continue to use our diplomatic and economic leverage to ensure that Russia cannot single-handedly dictate Syria's future. We will apply careful diplomacy with the Russians, back by economic tools and broadly supported international pressure on Assad, to leverage Russian influence on the Assad regime to not only seek a lasting negotiated political solution through UNSCR 2254, but also to cease its indiscriminate bombing of civilian targets in Idlib. At the same time, there are limited areas where we can work with Russia to advance U.S. priorities. One example is de-confliction mechanisms, which have enabled both U.S. and Russian forces to conduct D-ISIS operations without creating unnecessary risk of unintended incidents.

Question. What is your assessment of Russian objectives in expanding its military, economic, and diplomatic activity worldwide, including in places like Venezuela, Libya, and the Central African Republic?

Answer. President Putin aims to restore Russia to what he views as great power status, by offering an alternative to the U.S.-led international order. As part of this effort, Russia supports regimes whose sovereignty the Kremlin perceives is threatened by the west. In addition, Russia presents itself as a geopolitical alternative to the west, unconstrained by international norms or values, including human rights. Putin's Russia offers military and economic support to beleaguered regimes, including the illegitimate Maduro regime in Venezuela. Russia also deploys mercenary forces in conflicts around the world, including in Libya and the Central African Republic, to undermine western efforts toward a political solution, and to secure special security and economic privileges for Russia or Kremlin-associated oligarchs.

NOTIFICATION OF AL-BAGHDADI RAID

Before the 2011 raid in Pakistan that killed al-Qaida leader Osama bin Laden, the Obama administration gave advance word to the top two Democrats and Republicans in the House and Senate, as well as the four leaders of the congressional intelligence committees. Before the raid in October that led to the death of ISIS leader Abu Bakr al-Baghdadi, Trump did not notify congressional leadership of the impending raid, but did alert Russian authorities about a planned operation—U.S. military aircraft reportedly overflew parts of Syria under Russian operational control en route to the target site. Trump later expanded on his decision to alert Russia to the impending operation: “[The Russians] were very cooperative ... we did say it was a mission that they'd like too. Because, you know, again, they hate ISIS as much as we do.”

Question. How are we to interpret remarks by the President suggesting that Russia harbors a greater animus toward ISIS than do members of the Democratic Party?

Answer. I refer you to the White House for clarification on the President's remarks.

Question. President Trump's notification to Russia before the Baghdadi raid echoes the troubling 2017 incident during which he invited the Russian Ambassador and Foreign Minister into the oval office with a photographer from a Russian news agency. Is the State Department actively pushing back on the administration's tendency to grant more permissive access to Russian government officials than U.S. elected officials with whom he disagrees?

Answer. The State Department seeks to fully coordinate with Congress on matters of foreign policy, when possible and appropriate. For questions related to the President's communications with Russia, I refer you to the White House.

UKRAINE

On October 1, 2019, the Ukrainian government said that it agreed to implement the so-called "Steinmeier formula," a refinement of the Minsk Protocols that would provide for internationally-monitored and approved elections in Russian-controlled territories in eastern Ukraine in exchange for granting them "special status."

Question. What are Russia's aims in agreeing to the Steinmeier formula? What is the U.S. position regarding the "Steinmeier formula?"

Answer. The United States supports efforts to achieve a diplomatic solution to the conflict in eastern Ukraine that restores Ukrainian sovereignty and territorial integrity. In late 2019, President Zelenskyy agreed to the so-called Steinmeier formula, one of Russia's preconditions for the December meeting of the Normandy Quartet leaders. The Steinmeier Formula—named after former German FM Steinmeier who first proposed it—stipulates the terms of initiating "special status" for certain districts in Donetsk and Luhansk oblasts currently controlled by Russia-led forces ahead of local elections. It also stipulates the "special status" would become permanent if approved through elections deemed "free and fair" according to OSCE/ODIHR standards. The Steinmeier Formula thus complements, but does not alter, Russia's security obligations under the Minsk agreements, which should be met prior to local elections taking place.

As part of the 2014–15 Minsk agreements, Russia must withdraw its forces and all heavy weapons, disband and end its support to illegal armed formations on Ukraine's territory, and reinstate Ukraine's full control of its international border. The United States continues to emphasize that the implementation of political measures, such as local elections and special status, discussed in the Minsk agreements is only possible after there is security on the ground.

Question. With the resignation of U.S. Special Representative Kurt Volker, what is the status of U.S. engagement in the conflict resolution process?

Answer. The Department of State is actively engaged in finding a diplomatic solution to the conflict in the Donbas. As the Secretary reiterated in his January 31 visit to Ukraine, the United States' support for Ukraine's sovereignty and territorial integrity is ironclad. We will never recognize Russia's occupation and attempted

annexation of Crimea. EUR Acting Assistant Secretary of State Reeker coordinates with French and German counterparts to support Ukraine in the Normandy Process and maintain pressure on Russia to implement the commitments it signed onto in the Minsk agreements. Under Secretary Hale also engages key U.S. allies and partners on the peace process.

Question. How do you assess Russia's views of the new government in Ukraine and its objectives in Ukraine?

Answer. Despite some positive developments in the Ukraine-Russia relationship in 2019, including the first "Normandy Format" summit since 2016 and two exchanges of prisoners, Russia's attempts to undermine Ukraine's sovereignty and territorial integrity continue. Five years on, Russia has yet to implement any of its security obligations under the Minsk agreements and has not reciprocated Ukraine's commitment to decrease violence and improve humanitarian conditions for persons living on both sides of the Line of Contact. Russia continues to militarize the Crimean peninsula, oppress ethnic Crimean Tatars and other Crimean residents who remain loyal to Ukraine, and refuses to discuss Crimea's return to Ukrainian sovereignty.

Question. How does the withdrawal of U.S. forces from Syria affect Russia's military and diplomatic role in Syria and the broader Middle East?

Answer. The United States continues to work with partners and allies in the region to counter Russian influence. We have used and will continue to use our diplomatic and economic leverage to ensure that Russia cannot single-handedly dictate Syria's future. We will apply careful diplomacy with the Russians, backed by economic tools and international pressure on Assad, to leverage Russian influence on the Assad regime to not only seek a lasting negotiated political solution through UNSCR 2254, but also to cease its indiscriminate bombing of civilian targets in Idlib. At the same time, we are limited in areas where we can work with Russia to advance U.S. priorities. One example is de-confliction mechanisms, which have enabled both U.S. and Russian forces to conduct D-ISIS operations without creating an unnecessary risk of unintended incidents.

Question. Congress has appropriated \$625 million for the Countering Russian Influence Fund, which among other things provides support to countries in Europe and Eurasia to protect electoral mechanisms against cyberattacks, improve the rule of law and combat corruption, and help countries combat disinformation:

Is the Fund an effective mechanism, in your view? How can it be improved?

Answer. The Countering Russian Influence Fund (CRIF) has been an effective mechanism to address the specific levers of Russian malign activity in the region. Foreign assistance funds appropriated under CRIF are an important piece of our overall foreign assistance efforts to support the goals of Countering America's Adversaries through Sanctions Act, and to counter Russian malign influence in Europe and Eurasia. CRIF enables the Department and USAID to provide targeted and innovative bilateral and regional

programs to enhance defense capacity of allies and partners; improve cyber and energy security; help diversify economies; support rule of law, independent media, and civil society; and to counter disinformation in coordination with other Department programs, including from the Global Engagement Center. The Department appreciates legislative improvements Congress made by removing geographic restrictions for CRIF.

Question. Why do you think the Kremlin has resorted, as in the Soviet era, to taking more political prisoners, especially when many of their cases are widely known and condemned internationally? Do you foresee more Russian and Ukrainian prisoner exchanges in the future?

Answer. We share your concern about political prisoners in Russia. The number of cases has grown from approximately 40 in 2014 to approximately 300 now, corresponding with a time period in which the government's overall tolerance for dissent in the country dramatically decreased. It is clear from the composition of the list of political prisoners maintained by renowned human rights NGO Memorial that the Kremlin has targeted members of a range of social groups for reprisal, including Jehovah's Witnesses, Muslims, protesters, journalists, human rights defenders, and Crimean Tatars and other dissidents from Russia-occupied Crimea.

We support the diplomatic efforts that led to the release of Ukrainian political prisoners held by Russia through prisoner exchanges. We call on Russia to immediately release all of its political prisoners, including Ukrainians and members of the Crimean Tatar community.

Question. In addition to imposing robust sanctions against officials responsible for politically motivated imprisonment, how else can the USG continue to push for the release of political prisoners and ensure accountability for those responsible for human rights abuses?

Answer. The Department shares your concern about the troubling growth in the number of political prisoners in the Russian Federation. In addition to imposing sanctions on those responsible for abusing political prisoners, we routinely highlight this problem in public messaging and in multilateral fora. We engage bilaterally with the Russian government to urge the release of individual prisoners of acute concern, and frequently highlight such cases on social media. We support the diplomatic efforts leading to the release of Ukrainian political prisoners held by Russia through prisoner exchanges. Whenever feasible, Embassy Moscow observes the trials of political prisoners. Approximately 75% of Russia's political prisoners have been jailed for their exercise of religious freedom. This was one weighty factor that led the Department to place Russia on the "Special Watch List" of severe violators of religious freedom in both 2018 and 2019.

Question. How do you assess the state of religious freedom in Russia? How can the United States defend Russian religious minorities against the misapplication of "extremism" laws?

Answer. Religious freedom in Russia continues to deteriorate as the government engages in and tolerates severe violations of reli-

gious freedom, including torture, arbitrary arrest, and imprisonment. Widespread suppression of religious practice has led to the imprisonment of over 250 individuals for practicing their faith. Peaceful Jehovah's Witnesses, deemed an "extremist" organization in 2017, have subsequently been targeted. In Russia-occupied Crimea, dozens of Muslim Crimean Tatars have been sentenced to long prison sentences after being falsely accused of belonging to a "terrorist" organization. The United States will continue to speak out against Russia's misuse of "extremism" laws against religious minorities.

PROTESTS FOR FREE AND FAIR ELECTIONS

Throughout the summer in Moscow, thousands of protesters took to the streets to protest the blocking of registration of many independent candidates, as well as general protests advocating for free and fair elections and an open society. The protests were marked by severe police and security service brutality against peaceful protesters. Though charges were dropped in many instances, some protestors still face jail time or are awaiting trial. The Russian government has since declared Alexei Navalny's group Anti-Corruption Foundation (also known by its Russian acronym FBK) a "foreign agent." Since then, FBK offices all over Russia have been subject to destructive searches/ransacking and other official harassment.

Question. What do you make of the Russian protest movements this past summer ahead of the Moscow municipal elections? Are they similar to protests we have seen before, or do they represent a new movement that could bring about real change?

Answer. The protest movement in 2019 was significant and reflects the Russian people's desire to have their voices heard and their votes counted. The Department will continue to call on the Russian government to honor its OSCE commitments to hold free and fair elections and respect the rights of free expression, association, and assembly.

Question. How can the United States operate in the Russian human rights sphere when Russia has cracked down on "foreign agents" and "undesirable organizations"? How can we best support Russian human rights organizations?

Answer. Despite pressure on civil society, Russian organizations and individuals continue to express a desire to engage with the United States. As long as this continues to be the case, the United States will support opportunities for peer-to-peer, educational, cultural, and other regional programs that create opportunities to exchange views and best practices. The Department continues to engage in a range of ways with human rights defenders in Russia and around the world. We would be happy to brief you on these efforts in person.

Question. How can the United States support media freedom and the protection of journalists in Russia?

Answer. The United States is an outspoken proponent of media freedom and journalist safety in Russia. We frequently voice our concerns about the growth in restrictions on the press in Russia and engage directly with the Russian government regarding cases

of individual journalists who are under acute threat. The Department uses a range of other mechanisms to support media freedom and protect journalists in Russia and around the world. We would be happy to brief you on these efforts in person.

Question. What else can the U.S. do to bring attention to the plight of political prisoners in Russia?

Answer. The United States will continue to advocate publicly and privately for the release of political prisoners in Russia and support coordination with likeminded allies to press for accountability for human rights violations in international fora such as the U.N. and OSCE. The United States will explore every possible avenue to ensure accountability for those responsible for human rights abuses, including the use of targeted sanctions and visa ban authorities, in such cases where we can demonstrate that an individual's conduct meets the legal threshold for such action.

Question. Does the recent prisoner exchange between Russia and Ukraine signal a new era of Russian willingness to compromise when it comes to political prisoners, or was it simply a one-off event?

Answer. The Kremlin is willing to use all possible methods to silence political opponents, including by detaining more political prisoners. We support President Zelenskyy's efforts to seek a peaceful resolution to the conflict in eastern Ukraine, and call on Russia to release all Ukrainians it has unjustly imprisoned, including the dozens of Crimean Tatars detained by Russian occupation authorities simply for voicing their opposition to Russia's occupation.

Question. What is the situation surrounding press freedom in Russia? How can the U.S. stand up for journalists like Ivan Golunov, who was arrested and then released after an international outcry?

Answer. Press freedom in the Russian Federation is significantly restricted. The government continues to institute new laws restricting press freedom, particularly regarding online speech. Authorities routinely use procedural violations and restrictive or vague legislation to detain, harass, or prosecute journalists who write unfavorably about the government or pro-government actors and institutes. Journalists have been subjected to physical attack, harassment, and intimidation as a result of their reporting. The government exercises editorial control over most media, creating a media landscape in which most citizens are exposed to predominantly government-approved narratives. Significant government pressure on independent media constrains coverage of numerous issues, including of Ukraine and Syria, LGBTI issues, the environment, and elections. Censorship and self-censorship are widespread.

The United States joined the international community in publicly condemning the wrongful arrest, abuse, and framing of journalist Ivan Golunov. In the case of Golunov, international and domestic outcry appeared to have ensured his release, but we remain committed to advocating for the freedom of those less fortunate journalists in Russia and other authoritarian states who remain jailed in retaliation for their work.

Question. In your view, how effective have sanctions been in response to Russian activities?

Answer. Our actions have sent a clear message to those who engage in malign Russian activity. They are on notice that if they continue to support election interference, aggression in Eastern Ukraine and Crimea, human rights abuse, support for the Assad regime, or other threatening activity, they will suffer consequences. There is also evidence that sanctions have indeed imposed a cost on Russia, one that will provide us leverage when they are prepared to negotiate diplomatic solutions. Any new discretionary sanctions will be framed with an eye towards our critical transatlantic unity on this vital national security issue.

Question. What is your assessment of the impact of sectoral versus targeted sanctions with regard to Russian activities?

Answer. Both sectoral and targeted sanctions have had significant effects on Russian activities. The Russian defense sector has suffered with the cancelling of billion-dollar arms deals between Russia and foreign actors. Sanctions have also targeted Russia's energy sector, deterring foreign firms from engaging in Russian arctic offshore, deep water, or shale projects.

Targeted sanctions have shown to be significant at the firm level, with research finding firms facing a total asset valuation drop of one-half. There is evidence that the government shields some sensitive targets via state subsidies. We estimate the direct cost to the Russian government of shielding strategic firms to be at least \$13 billion.

Question. How does the U.S. plan to respond to Russian retaliatory actions such as creating its own payment system (via the Mir card) which has adverse impacts on U.S. payment providers and Russian citizens?

Answer. This response contains Sensitive But Unclassified (SBU) information and will be sent via secure correspondence.

Question. Why has the administration not used the full range of sanctions authorities Congress established in the Countering America's Adversaries Through Sanctions Act (CAATSA)?

Answer. This response contains Sensitive But Unclassified (SBU) information and will be sent via secure correspondence.

Question. Does the administration intend to impose sanctions on Turkey for taking the delivery of Russian S-400 missile systems?

Answer. I cannot pre-judge a sanctions decision prior to a determination by the Secretary of State, nor can I preview a timeline for a decision under Section 231 of the Countering America's Adversaries Through Sanctions Act (CAATSA). The Secretary has made clear he intends to comply with the law.

The decision to unwind Turkey from the F-35 program—prior to the outcome of CAATSA deliberations—makes clear how seriously we take this issue. As President Trump told President Erdogan during his visit, resolving the S-400 issue is vital to achieve progress on other elements of the bilateral relationship. We continue to stress to Turkish officials that this kind of defense cooperation with Russia is not in Turkey's interests and should end.

Question. Do you support an extension of New START?

Answer. The administration has not yet made a decision about a potential extension of the New START Treaty, which does not expire until February 2021. Central to the U.S. review of potential New START extension is whether an extension is in the U.S. national interest, and how the treaty's expiration would affect U.S., Allied, and partner security in an evolving security environment. Our arms control policies and agreements should be responsive to the threats we face.

Question. Should future strategic arms reductions with Russia be considered? If so, should they cover a wider range of weapons and countries?

Answer. We stand ready to engage with Russia on arms control that advances U.S., allied, and partner security; is verifiable and enforceable; and includes partners that comply responsibly with their obligations. President Trump has charged his national security team to think more broadly about arms control, both in terms of the countries and the weapon systems involved, including Russian non-strategic nuclear weapons, new kinds of Russian delivery vehicles that would not count against New START's limits, and China's growing nuclear arsenal.

Question. In your view, what are possible implications of the U.S. withdrawal from the INF treaty?

Answer. On August 2, 2019, the United States terminated the INF Treaty because Russia failed to return to compliance after developing, flight-testing, and then fielding multiple battalions of an intermediate-range missile system, the SSC-8, in violation of its obligations. Russia is solely responsible for the treaty's demise. Our NATO Allies fully supported the United States' determination and withdrawal from the Treaty, and we are working closely to ensure NATO's deterrence and defense against the full-range of Russia's capabilities, including the SSC-8. Arms control is only useful for advancing U.S., allied, and partner security if Russia understands that the United States will not tolerate non-compliance.

RESPONSES OF DAVID HALE TO QUESTIONS
SUBMITTED BY SENATOR TOM UDALL

Under Secretary Hale, thank you for taking the time to meet today.

It has been nearly 22 years since this committee held a series of 6 hearings to debate the prospect of NATO enlargement and its impact on U.S. and Russian relations.

After years of NATO expansion, multiple restarts in the relationship with Russia, the passage of New START, election interference, Syria interventions by both nations, and multiple sanctions, the relationship with Russia is in very bad shape. And this is a major nuclear power with an authoritarian government.

The Doomsday clock maintained by the Bulletin of Atomic Scientists is now 2 minutes till midnight. Significantly closer to mid-

night than the 17 minutes 22 years ago. And now with two existential threats facing humanity. Nuclear weapons and climate change.

It is well known that Vladimir Putin is engaging in a deliberate effort to undermine the United States and Western Europe. And we are now caught in tit for tat measures that could worsen the current security dilemma with regards to Russia.

Mr. Hale, President Trump attacked Ambassador Yovanovitch and other during the House impeachment hearings via twitter ... as she testified.

The Russian intelligence agencies and foreign ministry are now following how the State Department has failed to stand up for her and other diplomats.

Russia is likely to conclude that they can ignore the State Department. They will seek to deal more directly with the President, his family, and political staff in the White House.

When it comes to this part of the world, the President seems more inclined to heed advice from people like Rudy Giuliani than the trained experts in the State Department. That deeply concerns me. Does that concern you when it comes to Russia and their sophisticated intelligence agencies?

In 1990 George Kennan wrote that:

“We have never been at war with Russia, should never need to be and must not be... The greatest help we can give will be of two kinds: understanding and example. The example will of course depend upon the quality of our own civilization. It is our responsibility to assure that this quality is such as to be useful in this respect.”

It may be uncomfortable to talk about, but our President has major foreign business interests, which are not disclosed to the American people.

This is completely unprecedented in our history. You would not be allowed to do these things in your position—it's against the law which requires divestment for federal officials to avoid conflicts of interest. And to reduce the risk of corruption.

Our State Department is rightly critical of very real corruption problems in many foreign countries—including but not limited to Russia and Ukraine. I am gravely concerned that our President is failing to set a good example on corruption in the way that George Kennan described:

Question. The President has publicly talked about corruption in Ukraine. Has he ever personally directed any actions to combat corruption in Russia, and if so, what were those actions?

Answer. The administration fully shares congressional concerns about corruption in Russia. Under a range of sanctions authorities, including the Global Magnitsky Act, the administration has imposed sanctions and visa bans on some of the most notoriously corrupt actors in Russia.

Question. Follow up: What is the U.S. anti-corruption agenda for Russia and what progress are we making?

You met with Russian officials in Helsinki last year and your office put out a short readout of the meetings, stating:

“that while the United States seeks to narrow differences and foster cooperation with Russia on a number of global challenges, Russia’s negative actions continue to be a barrier for progress in our bilateral relationship.”

For all of their problematic behavior, Russia remains in the Paris agreement on climate and the JCPOA on Iran, and has expressed that they wish to renew the New START treaty.

It is President Trump who has stated that he is not in favor of any of these actions. Russia’s position on these issues strike me as areas where we should have agreement.

So let’s focus for a minute on nuclear issues, and New START.

Answer. Given the gravity of the corruption problem in Russia, we remain committed to proactively using sanctions and visa ban authorities to identify and respond to corrupt foreign officials and agents working on behalf of or aligned with Russia. We continue to work with our allies to press Russia to uphold its international anticorruption obligations and defend against attempts by Russia to distort the international anticorruption framework. We use all the tools of diplomacy, including foreign assistance, to insulate our partners from all avenues of Russia’s malign influence, including corruption.

Question. Historically, the U.S. has not tied nuclear agreements to other disagreements. Is that the case today? Are we actively pursuing future nuclear arms control agreements with Russia and if not, why?

Answer. The United States remains committed to effective arms control that advances U.S., allied, and partner security; is verifiable and enforceable; and includes partners that comply responsibly with their obligations. We stand ready to engage with Russia on arms control that meets these criteria as the U.S. Government advances President Trump’s priority of seeking arms control that includes more countries and categories of weapons than past treaties. State Department officials regularly meet with Russian officials bilaterally and multilaterally to discuss matters relating to arms control and risk reduction. We will continue these discussions as appropriate in the interest of U.S. national security.

I sincerely hope that we are not approaching Russia in the same way we are approaching Iran, with a ramp up to maximum pressure, hoping we can achieve a pipe dream of demands while ignoring the need to cooperate on issues of global importance such as arms control and climate change.

Question. Do you agree with former Ambassador Jon Huntsman’s assessment?

Mr. Hale, Russia has traditionally been a more European leaning nation, but since the Cold War, there seems to be a new shift by Russian to look more towards Asia. To countries such as China and India.

Former Ambassador Jon Huntsman wrote this year in a Wall Street Journal Op-ed that:

“Blithely implementing sanctions without making sure they fit into a larger strategy of engagement costs us the ability to shape outcomes. Russians have accepted that U.S. sanctions will probably remain in place for the long term, inevitably distorting the market as Russians create alternative supply chains that aren’t always conducive to American interests.”

One of those alternative supply chains is China:

Answer. Following Western imposition of economic sanctions after its aggression in Ukraine, Russia stepped up purchases from Chinese producers. But Russia’s orientation to the East, even in consumer goods, has been overstated by the Russian government. While China is now Russia’s largest single trading partner, it is still dwarfed by the EU.

Given the importance of trade with the West to the Russian economy, there is evidence that sanctions have indeed imposed a cost on Russia.

We estimate the direct cost to the Russian government of shielding strategic firms from sanctions is at least \$13 billion. In addition, sanctions have reduced Russia’s ability to access funding in the financial, energy, and defense sectors, as well as limit its access to certain technologies. Foreign investment is also down as a result of sanctions, which depresses Russia’s economic growth.

We are committed to a policy of consistent cost imposition until Russia changes course, and sanctions will remain a key part of that.

I’d like to conclude with a discussion about the future. Tolstoy wrote in War and Peace that:

“The strongest of all warriors are these two—Time and Patience.”

George Kennan wrote in 1990:

“Give them time; let them be Russians; let them work out their internal problems in their own manner.”

Question. What is your takeaway from Russian history and culture, and how can you incorporate that for our engagement? In other words, how do you reach the current and future leaders of Russia to open the door to increased rapprochement?

Answer. Our public diplomacy efforts in Russia are designed to engage, influence, and further U.S. policy in the long term. Through creative public diplomacy programs, Mission Russia advances key strategic priorities include bolstering Russian society to be more resilient and democratic, furthering civil society development, and promoting American business and entrepreneurship. Our programs also focus on countering Russia propaganda. Despite a challenging environment, the Mission has had significant success in using public diplomacy tools to further U.S. policy interests. Our programs continue to attract large audiences and exchange program alumni have become prominent citizens, scholars, and officials in Russian society.

RESPONSES OF DAVID HALE TO QUESTIONS
SUBMITTED BY SENATOR TED CRUZ

Question. In your assessment, should Sudan's designation on the State Sponsor of Terrorism list be rescinded?

Answer. Considering rescission of Sudan's State Sponsor of Terrorism designation requires the Government of Sudan to demonstrate to the satisfaction of the United States that it meets the statutory and policy criteria for rescission. In line with the relevant statutory criteria, when considering rescission of a State Sponsor of Terrorism designation, the Department of State reviews the relevant government's activities to assess whether the government is supporting acts of international terrorism and obtains assurances from the government that it will not support such acts in the future.

Question. To what degree does the administration intend to meaningfully consult with Congress before coming to any decision regarding the potential rescission of Sudan from the State Sponsor of Terrorism list?

Answer. Before the rescission of a State Sponsor of Terrorism designation can take effect, the President must transmit the statutorily required report and certification to Congress.

Question. Pursuant to the three statutes that underpin the State Sponsor of Terrorism designation—the Arms Export Control Act, the Foreign Assistance Act, and the Export Controls Act—there are two paths for removing a foreign government from the SST designation. The first path allows for the President to certify and report to Congress that (1) there has been a fundamental change in the leadership and policies of the government of the country concerned; (2) that government is not supporting acts of international terrorism; and (3) that government has provided assurances that it will not support acts of international terrorism in the future:

If the administration pursues this path, what criteria is used to determine a "fundamental change in the leadership?"

Answer. Under the first path for considering the rescission of a State Sponsor of Terrorism designation, the Department of State draws from all available sources and takes into account the totality of the situation in assessing whether there has been a fundamental change in the leadership and policies of the government of the country concerned.

Question. The second path allows for the President, 45 days before a rescission takes effect, to certify to congressional leadership that (1) the government concerned has not provided any support for acts of international terrorism during the preceding 6-month period; and (2) the government concerned has provided assurances that it will not support acts of international terrorism in the future:

If the administration pursues this path, can you commit to notifying Congress that Sudan's designation is under review, in addition to notifying Congress once the 6-month period begins?

Answer. The required certification that the government concerned has not provided any support for acts of international ter-

rorism is a review of the preceding 6 months before the time that the report is sent to Congress. It is a look back on the government of concern's activities over the preceding 6 months, not a decision to examine that government's activities over a pre-determined 6-month period. We look forward to continuing our close coordination with Congress on Sudan, as the U.S. government works with the civilian-led transitional government.

Question. Aside from the statutory requirements, what, if any, additional conditions is the administration considering when evaluating whether to change Sudan's designation?

Answer. As we finalize a new engagement plan with Sudan, we will consult with the Hill and will take into account a number of issues important to the bilateral relationship. This includes the need for Sudan to address certain terrorism-related claims and for the new government to establish and implement policies that differentiate its conduct on counterterrorism issues from that of its predecessor.

Question. Is the administration seeking to "de-link" a potential rescission of Sudan from the SST list from the Five Track plan, which included conditions ranging from progress on human rights and religious freedom to outstanding terrorism-related claims?

Answer. The Five Track plan and its "Phase II" were plans specifically designed to engage the Bashir regime. They were suspended in February 2019 and with Bashir's ouster will not be resumed. We are in the process of designing a separate engagement plan more appropriate for a relationship with a civilian-led government. Specifics of that plan have not been finalized.

RESPONSES OF CHRISTOPHER A. FORD TO QUESTIONS
SUBMITTED BY SENATOR TED CRUZ

Question. Regarding Arak reconversion, how can waivers for ongoing modernization be reconciled with Sec. Pompeo's demand to close the reactor? Why shouldn't the State Department demand that it be closed and authorize work only pursuant to such closure?

Answer. Secretary Pompeo has made clear that "Iran must stop enrichment and never pursue plutonium reprocessing. This includes closing its heavy water reactor." The work permitted under the waiver is intended to redesign the Arak heavy water reactor so that it would not produce weapons-grade plutonium that could be reprocessed, consistent with the Secretary's demand that Iran never pursue plutonium reprocessing and the closure of the previously designed reactor.

Question. Regarding the TRR waiver, do you assess Iran entitled to import highly enriched uranium? If so, pursuant to what are they entitled to conduct those imports?

Answer. The waiver covers the return to Iran of increments of near-20 percent uranium fuel materials for the Tehran Research Reactor on an as-needed basis determined by the International Atomic Energy Agency; it does not provide for the import of highly enriched uranium. The mechanism to return these fuel materials was designed to ensure Iran would have no reason to enrich ura-

nium to near-20 percent to fuel the reactor and to prevent Iran from readily converting the material for use in a potential breakout scenario once irradiated in the reactor.

Question. Also regarding to the TRR waiver, how can waivers for such imports be reconciled with demands that Iran denuclearize? Is the State Department prepared to accept a final agreement that keeps in place robust Iranian civil-nuclear work involving highly enriched uranium?

Answer. Absent a mechanism for Iran to continue importing uranium fuel materials for the TRR, we expect Iran would argue it could resume production of near-20 percent enriched uranium to fuel the reactor. Resumed production of such material would reduce the breakout timeline for Iran to produce enough fissile material for a nuclear weapon, should it choose to do so. Secretary Pompeo has made clear that as part of the comprehensive deal we are seeking Iran must stop all enrichment activity.

LETTER TO HON. JAMES E. RISCH AND HON. ROBERT MENENDEZ
FROM MIKE SOMMERS



Mike Sommers
President & Chief Executive Officer
American Petroleum Institute
200 Massachusetts Ave NW
Washington, DC 20001

July 30, 2019

The Honorable James Risch
Chairman, Senate Committee on
Foreign Relations
423 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Robert Menendez
Ranking Member, Senate Committee
on Foreign Relations
444 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Risch and Ranking Member Menendez,

I am writing today to express the American Petroleum Institute's (API) opposition to S.1441/H.R.3206, the Protecting Europe's Energy Security Act. API opposes this legislation as well as additional amendments that have been proposed, including the full bill S. 482, Defending American Security from Kremlin Aggression (DASKA) Act, or sections of the DAKSA bill. API opposes S.1441/H.R. 3206 and S. 482 because these bills:

- Would establish a precedent that could significantly harm American industries operating abroad;
- Could damage the US-EU Trans-Atlantic relationship, because they are not likely to help achieve U.S. foreign policy objectives, while undermining energy security of our important allies in Europe;
- Are unilateral instead of multilateral.

In order to protect American interests, the measures in these bills would greatly benefit from additional review by relevant Congressional Committees, subject matter experts, and American industry stakeholders before they are advanced further in the legislative process.

While the bills and amendments anticipated to be under consideration have good intentions to address malign activity by Russia towards the United States, the targeted project, the Nord Stream 2 natural gas pipeline, of the underlying bill is nearly completed. This legislation seeks to impose unilateral sanctions that will harm American companies and will not likely change adversarial behavior by Russia. With the U.S. now the world's largest producer of natural gas and with rapidly growing U.S. exports of liquefied natural gas (LNG) to global destinations including Europe, the U.S. already is enhancing EU energy security vis-à-vis Russia.

Similarly, the prospect of adding DASKA to this legislation, whether as a whole bill or by piecemeal amendments, would have especially damaging impacts to multiple American industries beyond natural gas and oil companies such as defense, agriculture industrial equipment, financial services, and consumer goods industries. DASKA is overly broad, targeting a wide range of entities that are not directly connected to Russia's meddling in U.S. elections. Contrary to the bill's intentions, DASKA could benefit Russian economic interests as U.S. energy companies are forced to exit joint ventures, allowing the Russian entity to eliminate or capture its former U.S. partner's share of the project.



American industry stakeholders would appreciate an opportunity to provide further input to your committee and others, as well urge committee collaborations with sanctions subject matter experts to craft calibrated legislation that will more effectively change adversarial nation state behavior without harm to American industries as an unintended and negligent consequence.

API is the national trade association that represents all aspects of America's oil and natural gas industry. Our more than 620 corporate members - from fully integrated major oil and gas companies to independent companies - come from all segments of the industry. These companies are producers, refiners, suppliers, marketers, pipeline operators and marine transporters as well as service and supply companies that support all segments of the industry, and they provide most of our Nation's energy.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Sommers".

Mike Sommers
President and CEO
American Petroleum Institute

CC: Members of the Senate Committee on Foreign Relations

U.S. CHAMBER OF COMMERCE ARTICLE SUBMITTED BY SENATOR
JAMES E. RISCH

U.S. CHAMBER OF COMMERCE

PRINCIPLES FOR SANCTIONS AS A TOOL OF EFFECTIVE STATECRAFT

Economic sanctions have become a frequently-used tool of U.S. foreign policy in the post-war era, and with good reason: Policy-makers need to have options that lie between diplomacy and military action—alternatives that lie between dialogue and open warfare—to advance key American interests overseas.

Too often, though, sanctions are used as a blunt instrument when circumstances call for a scalpel. At times, the United States has applied sanctions in a sweeping manner without sufficient regard for their effectiveness or possible collateral harm to other U.S. interests.

The risk is not only that sanctions will fail to achieve their primary foreign policy objectives but that they will erode U.S. credibility in the long haul and harm international economic ties that sustain economic growth and jobs at home.

With Congress considering new sanctions legislation targeting a range of foreign governments, the Chamber offers these principles to maximize the effectiveness of these measures and minimize any collateral damage to U.S. interests:

SANCTIONS SHOULD TARGET SPECIFIC FOREIGN POLICY GOALS

To be effective, sanctions legislation and executive action should be calibrated carefully to achieve specific, clearly articulated objectives. Fundamentally, these objectives center on altering the future behavior of a foreign government (for this reason, sanctions should not be retroactive).

The aim of sanctions should not be punitive: Sanctions that do nothing but impose hardship on the citizens of another country will only undermine U.S. interests in the long run, erode America's international standing and "soft power," and are at odds with America's humanitarian values and support for human rights. In addition, close consultation between Congress and the executive branch, in the inter-agency process, and between government and the private sector will help enhance effectiveness and limit collateral harm.

SANCTIONS MUST BE MULTILATERAL TO ACHIEVE THEIR AIMS

Success in bringing economic pressure to bear on a given country through sanctions increasingly depends on support from a broad range of foreign governments, only some of which are close U.S. allies. After all, the United States is a minor trade and investment partner for most of the countries targeted with sanctions in recent years.

History demonstrates that unilateral sanctions uncoordinated with other significant economies immediately present opportunities for non-U.S. competitors to "backfill" commercial opportunities as U.S. firms are forced to exit the market. In these circumstances, U.S. governmental action simply hands lucrative foreign markets to American companies' competitors on a silver platter, with real-

world implications for jobs, competitiveness, and earnings back home. In the worst case scenario, U.S. sanctions may obligate American companies to sell foreign assets suddenly at fire-sale prices—an outcome that is not just lamentable but often beneficial to bad actors.

SANCTIONS SHOULD BE CONDUCT-BASED, NOT BROAD OR SECTORAL

Sanctions should focus on documented malign conduct and those who engage in it. Some of the most effective sanctions employed by U.S. authorities in recent years have been focused on foreign government officials, executives of state-owned or state-directed enterprises, and specific foreign firms.

Targeting foreign individuals and entities and their financial holdings and ability to travel has been highly motivating in many instances. Given that these sanctions are generally applied to undemocratic regimes that tend to be unmoved by blunt sanctions that harm their own citizens, this targeted approach has added attractiveness.

SANCTIONS SHOULD ALLOW FLEXIBILITY FOR SWIFTLY CHANGING CIRCUMSTANCES.

Sanctions legislation must allow a level of discretion for the executive branch. Sanctions are often contemplated in a context of armed conflict, which can shift rapidly, and executive branch officials must be provided the leeway to alter course. Failing to provide a degree of discretion for the executive branch would constrain its ability to direct U.S. foreign policy as provided by the Constitution.

Discretion should be provided with regard to sanctions-related decisions involving the initiation of investigations, which sanctions on a menu will be imposed, the possible issuance of waivers, OFAC licenses, and alteration of sanctions. If a sanction or threat of sanction induces a behavior change consistent with a foreign policy objective, the efficacy of the overall sanctions regime will benefit if the executive branch has the ability to remove or adjust a sanction swiftly.

SANCTIONS SHOULD SEEK TO AVOID SPILLOVER TO THIRD-COUNTRY MARKETS

The application of U.S. sanctions to joint ventures and other enterprises in third countries exacerbates the “backfill” problem mentioned above and multiplies the harm to U.S. industry without adding in any way to the sanctions’ effectiveness.

For instance, the reach of secondary sanctions into third countries incites economic, diplomatic, and legal conflicts with U.S. allies and frustrates joint action. Indeed, imposing sanctions on entities in countries that U.S. officials are often attempting to enlist to assist U.S. efforts is inimical to the very aims of sanctions.

SANCTIONS MUST AVOID OVERREACH OR RISK ERODING U.S. INFLUENCE

U.S. influence and leverage are substantial, but they are finite resources that may be exhausted through overuse.

For example, the United States retains substantial economic leverage through its leadership role in the Society for Worldwide Interbank Financial Telecommunication (SWIFT) financial messaging network that financial institutions use to transfer information securely. However, U.S. use of this influence in ways that lacked broad support has led allies and other countries to begin the development of alternate systems that will allow commerce to flow around the barriers raised by U.S. sanctions. In the end, sanctions overreach puts at risk the country's future ability to impose sanctions.

