

**U.S. POLICY ON DEMOCRACY IN LATIN AMERICA  
AND THE CARIBBEAN**

---

---

**HEARING**

BEFORE THE

**COMMITTEE ON FOREIGN RELATIONS  
UNITED STATES SENATE**

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

NOVEMBER 30, 2021

Printed for the use of the Committee on Foreign Relations



Available via <http://www.govinfo.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

WASHINGTON : 2022

COMMITTEE ON FOREIGN RELATIONS

ROBERT MENENDEZ, *New Jersey, Chairman*

BENJAMIN L. CARDIN, Maryland	JAMES E. RISCH, Idaho
JEANNE SHAHEEN, New Hampshire	MARCO RUBIO, Florida
CHRISTOPHER A. COONS, Delaware	RON JOHNSON, Wisconsin
CHRISTOPHER MURPHY, Connecticut	MITT ROMNEY, Utah
TIM KAINE, Virginia	ROB PORTMAN, Ohio
EDWARD J. MARKEY, Massachusetts	RAND PAUL, Kentucky
JEFF MERKLEY, Oregon	TODD YOUNG, Indiana
CORY A. BOOKER, New Jersey	JOHN BARRASSO, Wyoming
BRIAN SCHATZ, Hawaii	TED CRUZ, Texas
CHRIS VAN HOLLEN, Maryland	MIKE ROUNDS, South Dakota
	BILL HAGERTY, Tennessee

DAMIAN MURPHY, *Staff Director*  
CHRISTOPHER M. SOCHA, *Republican Staff Director*  
JOHN DUTTON, *Chief Clerk*

C O N T E N T S

---

	Page
Menendez, Hon. Robert, U.S. Senator From New Jersey .....	1
Risch, Hon. James E., U.S. Senator From Idaho .....	3
Robinson, Hon. Todd, Assistant Secretary of State for International Narcotics and Law Enforcement Affairs, U.S. Department of State, Washington, DC ..	4
Prepared Statement .....	6
Nichols, Hon. Brian A., Assistant Secretary of State for Western Hemisphere Affairs, U.S. Department of State, Washington, DC .....	9
Prepared Statement .....	11

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

Responses of Mr. Brian A. Nichols and Mr. Todd Robinson to Questions Submitted by Senator Jim Risch .....	44
Responses of Mr. Todd Robinson to Questions Submitted by Senator Marco Rubio .....	49
Responses of Mr. Brian A. Nichols to Questions Submitted by Senator Marco Rubio .....	50



## **U.S. POLICY ON DEMOCRACY IN LATIN AMERICA AND THE CARIBBEAN**

**TUESDAY, NOVEMBER 30, 2021**

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

The committee met, pursuant to notice, at 10:07 a.m., in room SD-106, Dirksen Senate Office Building, Hon. Robert Menendez, chairman of the committee, presiding.

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

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

The CHAIRMAN. This hearing on U.S. Policy and Democracy in Latin America and the Caribbean will come to order.

In March, this committee hosted Organization of American States Secretary General Luis Almagro to review the state of democracy in the region. We heard concerns about the uptick in fraudulent elections, shrinking space for civil society and independent media, efforts to politicize judicial institutions, and the loss of hope in a region plagued by insecurity and kleptocracy.

While the Inter-American Democratic Charter marked its 20th anniversary in September, the harsh reality is that we are witnessing a fraying of democratic consensus in the Americas.

Given Secretary General Almagro's diagnosis, it is critical that the Biden administration continue efforts to restore the defense of democracy as a central pillar of U.S. foreign policy.

In his June memorandum, the President made it clear that combating kleptocracy is a U.S. national security priority, and American diplomats are again using the language of human rights.

After 4 years of the Trump administration failing to stand up for our fundamental values, we have acutely felt the effects and these initial steps are welcome, but we must do more because the truth is that since March the situation in the hemisphere has become even more challenging.

In Cuba, the Diaz-Canel regime attacked, detained, and disappeared its citizens for demanding fundamental freedoms during unprecedented countrywide protests in July. The regime paired physical assaults with internet shutdowns and decrees criminalizing free expression on social media. Terrified of the Cuban people's desire for change, it militarized the entire island to prevent protests in November.

While I welcome the Administration's four rounds of targeted sanctions, we must move more aggressively to hold security forces accountable and we must launch a strategic effort to demilitarize the Cuban economy in parallel with our support for the Cuban people.

In Nicaragua, the Ortega regime's relentless campaign to jail and persecute political opponents, civil society, and independent media resulted in the recent sham elections.

This month, Congress passed my bipartisan RENACER Act, ushering in a new era of international accountability. I am pleased that the Biden administration is already implementing the RENACER Act with new targeted sanctions and a blanket visa ban on Nicaraguan officials complicit in the dismantling of democracy, the toughest measures Ortega has ever faced.

In Haiti, following President Moise's assassination, gangs now control large parts of the country and kidnap and terrorize civilians, including American missionaries and children.

I look forward to hearing how the Administration is working to restore security, facilitate dialogue between civil society and political actors, and help chart a Haitian-led path to new elections to overcome this chaos.

Since March, the Maduro regime has continued its campaign of torture, disappearances, arbitrary jailings, and manipulation of essential supplies in order to subjugate the Venezuelan people.

It has walked away from negotiations with the National Unity Platform, talks that could help address urgent humanitarian needs and set the country on a path towards recovery.

Instead, the regime prioritized holding deeply flawed elections that no credible democratic actor has called free and fair.

We have observed the surgical deconstruction of El Salvador's justice system as President Bukele appears intent on taking the training wheels off his autocratic project.

In Brazil, President Bolsonaro is plagiarizing the Trumpian playbook by invoking the specter of political violence and fraud in advance of next year's elections.

It is no wonder, given the state of democracy in the Americas that irregular population movements are at an all-time high.

Our hemisphere is at a critical inflection point. We must help democracies deliver, especially as they recover from the economic and social impact of the pandemic. We must continue supporting civil society efforts to reverse democratic backsliding. We must help pro-democracy movements harness the power of technology to confront dictatorships.

The upcoming Summit for Democracy presents an opportunity to coalesce around a global strategy to confront repressive regimes and strengthen democracies. It is my sincere hope that it produces tangible outcomes.

As we said in March, the cost of inaction is too great and it is increasing exponentially. When democracies in the Americas fail to provide for their people, those looking for a better life will come knocking at the door, and if we do not increase our engagement in the hemisphere, others from further away—China, Russia—will be only too happy to gain a stronger foothold to exploit tensions and divisions.

I look forward to discussing these and other issues as it relates to the hemisphere to this hearing, and now I will turn to the ranking member for his remarks.

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

Senator RISCH. Thank you, Mr. Chairman.

The United States has had an enduring interest in a stable and prosperous Western Hemisphere and the democratic order is the best guarantor of those things.

The people of Latin America and the Caribbean have made great strides toward democratic governance over the last several decades. However, it is disheartening to see how quickly that progress can be lost.

Nicaragua joins Cuba on a seemingly bottomless descent into authoritarianism. Within less than a generation, Hugo Chavez and Nicolas Maduro have turned Venezuela into a failed state.

Last year, candidate Biden promised to use smart sanctions and greater multilateral pressure on the Maduro regime. Ten months in, President Biden has not imposed a single sanction on the regime or any of its cronies, and the European Union is not any closer to matching the economic and diplomatic pressure brought forth by the United States and Canada.

Equally concerning is the negative effect of malign state actors such as China and Russia. China's predatory economic practices are a formidable threat to the sovereignty of countries in the Western Hemisphere.

The adoption of technologies developed and controlled by firms vulnerable to Chinese Communist Party pressure undermines privacy and human rights. Russian disinformation campaigns exacerbated the protests that rocked democratic countries in South America in 2019, including Colombia, Chile, and Ecuador.

Putin openly endorses increasingly authoritarian rulers with the goal of destabilizing the region and threatening insecurity, and Russia has exported repressive laws and practices to its allies in Latin America that allows authoritarian leaders to suppress independent media, civil society, and political opposition.

Lastly, criminal and foreign terrorist organizations are malign threats to the safety of both our communities here at home and democracies in the region. The Administration's plan to remove the FARC from the foreign terrorists list undermines U.S. national security and democratic stability in Colombia.

As this administration plans for its upcoming Summit for Democracy next month, I am glad to see numerous countries from the region invited. I hope this summit is more than just a ceremony of words and hollow promises, and instead will produce real results to improve democracy and rule of law across the region.

I look forward to hearing from our witnesses about all of these important issues.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. We will start with our panel.

We are pleased to have Assistant Secretary of State for the Western Hemisphere Brian Nichols, who previously has served as ambassador in various locations, including in Peru, was the Principal

Deputy Assistant Secretary of State for International Narcotics and Law Enforcement Affairs and also was the Deputy Chief of Mission at the U.S. Embassy in Colombia. So he is very well familiar with the hemisphere.

Thank you, Mr. Secretary, for joining us.

We also have the Assistant Secretary for the Bureau of International Narcotics and Law Enforcement Affairs, Todd Robinson, who previously has served in a variety of positions—the Senior Advisor for Central America and the Bureau of Western Hemisphere Affairs, was previously the charge d'affaires in Venezuela. So both of our witnesses have significant deep experience in the hemisphere, which we appreciate, to draw from.

We will start off with Secretary Robinson. We would ask you to have your testimony be summarized in about 5 minutes or so. Your full statements will be entered into the record, without objection.

Mr. Secretary, you are recognized.

**STATEMENT OF THE HON. TODD ROBINSON, ASSISTANT SECRETARY OF STATE FOR INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS, U.S. DEPARTMENT OF STATE, WASHINGTON, DC**

Mr. ROBINSON. Good morning, Chairman Menendez, Ranking Member Risch, distinguished members of the committee. Thank you for calling this hearing and bringing attention to the issue of erosion of democracy in Latin America.

I am pleased to be here today with my friend and colleague, Assistant Secretary Nichols, with whom I am working closely to address the challenges raised by the issue.

Democratic institutions that effectively and adequately meet their citizens' needs are critical building blocks in this region. Supporting democratic norms and transparent institutions is something we should all support.

Mr. Chairman, Ranking Member, I was expelled from Venezuela in 2018 for speaking out against the Maduro regime's illegitimate elections and corrupt governance.

Before that, in 2015, I saw firsthand as Guatemalan citizens demanded the investigation and prosecution of corrupt officials, including their president. I am no stranger to the threats facing democracy in this region.

I am clear eyed about the challenges, but I am also confident that working with our colleagues across the department and the interagency, my team in the Bureau of International Narcotics and Law Enforcement Affairs, INL, is well positioned to address them.

Throughout the Western Hemisphere, endemic corruption drives authoritarianism, irregular migration, crime, and violence. Corrupt government actors and other elites are incentivized to allow drug trafficking and other organized criminal groups to operate, driving instability and contributing to undemocratic practices.

The Biden-Harris administration is moving to protect and reinvigorate democracy both at home and abroad, and INL is working to build capacity to fight the cycle of corruption and our efforts span the region.

In Colombia, INL-supported prosecutors and police are helping root out corruption and enable greater transparency. In Mexico, our

partnership helped strengthen the capacity of security and justice institutions to reduce opportunities for corruption, prosecute offenders, and promote a culture of accountability.

However, we must recognize some governments lack the ability or, frankly, the political will to tackle corruption. Indeed, many of these governments and their elites are benefiting from it. Our strong preference is to work with governments, but, ultimately, we cannot want this more than them.

As Secretary Blinken testified in June, if governments are unable or unwilling to do what is necessary, we will increase our work with civil society, local communities, and international organizations and trusted partners in the private sector, particularly if they are willing to fight corruption rather than seeking to benefit from it.

We strongly support efforts by watchdog groups and investigative media outlets to expose the corruption, advocate for justice and democratic institutions, and support anti-corruption reforms in their countries. No one understands the corrosive nature of corruption better than those whose livelihoods suffer because of it.

In Venezuela, the cycle of violence, crime, and corruption has eroded the democratic process, the economy, and the security situation. In response, the department to date has issued 13 transnational organized crime and narcotics rewards offers for information leading to the arrest and conviction of Maduro and his cronies.

We have also designated three individuals under Section 7031(c) of the Department of State Foreign Operations and Related Appropriations Act who abuse their public position in the region by accepting bribes and kickbacks and misappropriating public funds for their own self-enrichment.

We have also taken similar actions in Central America in places like Nicaragua, Guatemala, Honduras, and El Salvador, and we will continue to do so.

In Haiti, weak institutions and pervasive corruption contribute to the proliferation of gang violence, including kidnappings for ransom. Gangs control nearly half of Port-au-Prince and key transportation infrastructure.

When I was in Haiti 2 weeks ago, I met with the Prime Minister, the Acting Minister of Justice, the new Director General of Police, and our international partners to emphasize our concern for the security situation and discuss INL's planned support to help the Haitian National Police establish a tactical anti-gang unit.

I stressed the need to ensure officer accountability within the HNP, respect for human rights, and transparency, particularly for the HNP anti-gang unit, and INL will continue to support longer-term community prevention efforts and institutional capacity building of the HNP, including through additional embedded advisors, vehicles, and protective equipment for HNP units countering gangs, and supporting election security.

Mr. Chairman, I will end my testimony reiterating an important point. The political will of partners is absolutely critical. Even the best resourced intervention cannot succeed if our partners are not equally or more committed to the challenge.

Thank you, and I look forward to your questions.

[The prepared statement of Mr. Robinson follows:]

**Prepared Statement of Mr. Todd D. Robinson**

Chairman Menendez, Ranking Member Risch, distinguished Members of the Committee; thank you for the opportunity to appear before you today. The threats to democracy across the Western Hemisphere are growing and have a significant impact on the United States' national security and economic prosperity. The Bureau I have led since September, the Department of State's Bureau of International Narcotics and Law Enforcement Affairs (INL), is aligned to work with our Department and interagency colleagues to address these threats. Bolstering the rule of law, uprooting corruption, reducing the levels of violent crime, and deterring the production and trafficking of illicit drugs are ways in which INL is actively working to shore up democracy and ensuring it delivers for the people it represents. We place a significant focus on combating the corruption that permeates all levels of society in Latin America, with the goal of creating a more secure, democratic, and prosperous Western Hemisphere.

INL's focus on the illicit drug trade responds to transnational criminal organizations that destabilize the region and contribute to democratic backsliding through their entrenched corruption networks. The scale of illicit drug profits is estimated to reach hundreds of billions of dollars annually. While corruption takes many forms and stems from many sources, financial profits on this scale give transnational criminal organizations an almost unlimited capacity to harm government institutions.

**CORRUPTION: A KEY CONTRIBUTOR TO DEMOCRATIC BACKSLIDING**

Endemic corruption erodes trust in institutions and democracy, and enables authoritarianism, crime, and violence throughout the Western Hemisphere. Corrupt government actors are incentivized to allow drug trafficking and other organized criminal groups to operate within their jurisdictions. Drug trafficking and organized crime undermine the democratic process, national security, the rule of law, and licit economies. It is not surprising to witness democratic backsliding in the region, as this cycle of corruption thrives in areas where democratic institutions once thrived. President Biden has prioritized the need to protect and reinvigorate democracy both at home and abroad. INL works with countries to build their capacity to fight cycles of corruption. However, we recognize some governments lack the capacity, and in some cases, the political will to tackle the problem. Corruption has enabled the emergence of autocratic leaders in this hemisphere.

As Secretary Blinken has testified here before you, the key is for governments to do the right thing: address the concerns of their people, strengthen the rule of law, and protect democratic institutions and the human rights for all their citizens, as called for in the Inter-American Democratic Charter.

Corruption also hobbles effective governance; erodes respect for human rights; distorts markets and equitable access to services; undercuts development efforts; contributes to national fragility, extremism, and irregular migration; endangers the physical safety of citizens; and provides authoritarian leaders a means to undermine democracies worldwide. When leaders steal from their nations' citizens or elites flout the rule of law, economic growth slows, inequality widens, and trust in government plummets.

Our strong preference is to work with governments, but to make real inroads, we cannot want this more than they do. As Secretary Blinken testified in June, if governments are unable or unwilling to do what is necessary to be an appropriate partner for the United States and for our taxpayer dollars, we will work with NGOs and civil society, communities and international organizations, the private sector where appropriate, and other implementing partners. There are ways to effectively deliver assistance and support that do not require working with a central government to make meaningful improvements in governance. We will work with these non-governmental partners, as we do currently, to affect change where possible.

**USING FOREIGN ASSISTANCE TO ADDRESS CORRUPTION  
AND PROMOTE DEMOCRATIC INSTITUTIONS**

In Central America, INL support for anticorruption and rule of law programming remains a priority under the Root Causes Strategy. The United States encourages justice sector authorities in northern Central America to recognize the deficit in citizens' trust in institutions to deliver trustworthy anticorruption investigations and prosecutions, and ensure credible, independent judicial investigations into corruption-related crimes. We continue to support civil society and watchdog groups to ex-

pose corruption, advocate for justice, and support anticorruption reforms in their countries, as no one understands the corrosive nature of corruption better than those whose livelihoods suffer because of it. We stand ready and willing to work with those partners in the region who have demonstrated a good faith commitment to combating corruption.

In Nicaragua, under the authoritarian regime of Daniel Ortega, government attacks on the free press are a daily occurrence (we have also seen this increasingly in El Salvador and Guatemala). INL helps independent media and journalists carry out data driven investigations into issues of crime, corruption, and transparency. The reporting conducted by INL partners exposes the regime's corruption and human rights abuses and informs Nicaraguans of ways the ruling party manipulates them. INL also engages with civil society organizations in Nicaragua to strengthen the rule of law, keep youth out of gangs and address gender-based violence.

The cycle of crime and corruption has eroded the democratic process, the economy, and the security of Venezuela. To increase international attention, cooperation, and action to combat crime and corruption emanating from Venezuela, INL brings together justice sector and policy officials from partner countries to drive substantive conversations and information exchanges on Venezuela-based or linked criminal organizations; illegal drug and gold trafficking; and kleptocracy and financial crimes. These exchanges not only serve to increase countries' understanding of criminal trends coming from Venezuela, but—as this effort continues to develop—we hope it will result in increased action to hold the Maduro regime and criminal actors operating in Venezuelan territory accountable for their crimes.

In Haiti, weak institutions and pervasive corruption contribute to proliferation of gang violence, including kidnappings for ransom and control of critical, public infrastructure. Gang violence has become the primary concern in Haiti and continues to grow as Haitian gangs expand their influence and geographic presence, including control of nearly 50 percent of metropolitan Port-au-Prince and expanding into less urban areas. We are seeing increasingly aggressive tactics, including the recent kidnapping of American citizens, outmaneuvering of Haitian National Police (HNP), and disruption or control of transport routes leading to fuel scarcity throughout the country. When I visited Haiti 2 weeks ago, I met with the prime minister, the Acting Minister of Justice, the new Director General of the HNP, and members of the international community to emphasize our concern for the immediate security situation and to emphasize the need to ensure HNP officer accountability, respect for human rights, and transparency, especially of the new HNP anti-gang unit, and we will do more. Following the July presidential assassination and August earthquake, INL bolstered support for training, equipping, and vetting the anti-gang unit. INL is also in the process of providing additional embedded advisors, vehicles, and protective equipment for HNP units countering gangs and supporting election security. INL will continue efforts to support longer-term community prevention efforts and institutional capacity building of the HNP.

#### SUPPORTING KEY REGIONAL PARTNERS IN THE WESTERN HEMISPHERE

In environments where we can effectively partner with central governments, INL develops the professional capacity of police, prosecutors, judges, and corrections officials to help create strong, transparent democratic institutions. In coordination with the Department of Justice, we mentor law enforcement and justice counterparts throughout the region, including Colombia, Central America, and Mexico. Our work includes a focus on providing training to judicial actors, improving compliance with international standards, and promoting accountability throughout the justice system.

In Colombia, INL provides significant support in coordination with our DOJ partners to mentor elite cadres of specialized Colombian prosecutors. These prosecutors are responsible for prosecuting Colombia's most high-profile cases, many of which involve public corruption. In Peru, INL provided training to all justices on the National Anticorruption Court who then utilized this knowledge to train other judges in regional anticorruption courts throughout Peru. INL also supported Peru's judiciary in obtaining International Organization for Standardization (ISO) anti-bribery management system certification for Peru's Supreme Criminal Court in 2021 and the judiciary is planning to expand the anti-bribery ISO certification into 11 Superior Courts in 2022. Moving forward and with INL's support, Peru's Attorney General's office intends to implement the ISO anti-bribery standards in several key units, including the newly created Integrity Office. Supporting efforts to improve judicial compliance with international standards is an important way to increase citi-

zen's trust and create an effective judicial check and balance on other government branches.

In areas like northern Central America, where the rule of law is under constant threat, INL intends to target assistance to willing partners and trusted institutions. We are working within the region to help build partnerships to successful security programs in other Central American countries. For example, the Government of Costa Rica is working closely with INL to implement aspects of the "Sembremos Seguridad" community policing projects in northern Central America to increase security and confidence in the police in those communities. In Honduras, INL is providing standardized training in basic and advanced prosecutorial skills to approximately 1,000 prosecutors (nearly all prosecutors in Honduras), as well as courses on handling corruption cases for specialized prosecutors. In Panama, a new INL-supported Anti-Money Laundering and Anticorruption Taskforce brings all Panamanian agencies involved in money laundering, terrorism financing, transnational economic crimes, and corruption together in one building to work with U.S. law enforcement agencies to conduct complex investigations with the goal of successfully prosecuting cases to reduce money laundering and corruption.

Our partnership with Mexico helps strengthen the capacity of security and justice institutions to reduce opportunities for corruption, prosecute offenders, and promote a culture of accountability. Our work complements robust interagency programs, including those of USAID. Our collaboration with Mexico to transition to a more open and transparent accusatorial judicial system is a centerpiece of these efforts. INL support helped Mexico to achieve international accreditation of Mexican security and justice institutions to increase transparency. Such efforts are essential for reducing crime, improving responses to crime, improving criminal justice processes, and protecting human rights. Going forward under the U.S.-Mexico Bicentennial Framework for Security, Public Health, and Safe Communities, the United States will deepen its partnership with Mexico to counter corruption through support for the investigation and prosecution of corrupt officials and the seizure and forfeiture of their illicit assets. We will also work to expand capacity to increase the investigation and prosecution of organized criminal groups. The success of these measures reduces opportunities for drug trafficking organizations to leverage corruption to advance and protect their operations.

#### DETERRENCE TOOLS

To complement and reinforce our diplomacy and assistance, INL also works with interagency counterparts to employ targeted sanctions and deterrence tools to combat high-level corruption and support the work of law enforcement. INL manages two rewards programs targeting high-level drug traffickers and other transnational criminal leaders, which have helped our law enforcement partners bring more than 75 international major violators to justice. INL also manages two anticorruption visa restriction authorities, and, in close cooperation with the Department of the Treasury, supports implementation of the corruption prong of the Global Magnitsky sanctions program. INL also coordinates with the Bureau of Consular Affairs, the Bureau of Western Hemisphere Affairs, and other relevant bureaus to implement Section 353 of the Northern Triangle Enhancement Act (also known as "the Engel List") and INA 212(a)(3)(C) policies related to corruption and the rule of law.

The public designation of corrupt actors under Section 7031(c) of the Department of State, Foreign Operations, and Related Appropriations Act, 2021, the Section 353 Corrupt and Undemocratic Actors list, and the Global Magnitsky Act has significantly reinforced our broader anticorruption agenda, including through increased media, civil society, and general public attention. We have also seen these designations spur governments to remove designees from office or to open law enforcement investigations and to build momentum to adopt anticorruption reforms. INL has greatly expanded the use of these tools since 2019, completing two and a half times more visa restrictions cases and seven times more reward cases than in the previous 2 years. These tools complement our diplomatic and foreign assistance efforts, including those under the Root Causes Strategy, to prevent and combat corruption.

These tools allow us to elevate attention on corrupt officials and practices, even in countries where we don't have programming. For example, the Department has issued 13 Transnational Organized Crime and Narcotics rewards offers for information leading to the arrest or conviction of Maduro and his cronies as well as designating three individuals under Section 7031(c) who abused their public position in the Maduro regime by accepting bribes and kickbacks and misappropriating public funds for their own self-enrichment.

## MULTILATERAL ENGAGEMENT

In addition to our assistance programs and deterrence tools, INL is supporting the Department's efforts in the multilateral space. The upcoming Summit for Democracy will reinforce the importance of democratic values and reassert America's role as the leader of democratic nations. Acknowledging the threat corruption poses to democracy, the Summit will serve as a platform to discuss and coordinate with partners from a diverse group of democracies around the world opportunities to reduce its corrosive effects. In particular, the Summit will be an opportunity to advance U.S. anticorruption priorities, including: shutting down safe havens for corrupt actors and their ill-gotten gains; increasing our partners' capacity to prevent and combat corruption and hold corrupt actors accountable; leveraging innovation in the fight against corruption; and improving our ability to respond decisively to opportunities and threats to partner governments facing corruption related challenges. We will encourage partners to announce commitments to combat kleptocracy and foreign bribery, improve beneficial ownership and real estate transparency, and promote the role of civil society, independent media and journalists, and the private sector in anticorruption efforts. We will hold ourselves to the same standard and expect to announce commitments and deliverables at the Summit, including to fight corruption at home.

We hope the Summit will be a useful opportunity to advance the core tenets of democracy and demonstrate to democracies and non-democracies alike that democratic governance can and will deliver for the region. In a promising signal of democracy's potential in the region, the Western Hemisphere constitutes the second-largest delegation of invited countries at the Summit. Similarly, we will reinforce these and other democratic themes at the Summit of the Americas next year. Committing to democracy in these summits will solidify and confirm our approach to defending and supporting democratic governance throughout the region.

## CONCLUSION

Mr. Chairman and Ranking Member, my testimony has focused on the work of INL, but let me end by reiterating an important point: political will from our partners to confront corruption and transnational crime in our hemisphere is absolutely critical. Even the best resourced and planned U.S. foreign policy intervention cannot succeed if our partners are not equally or more committed to addressing these challenges. Governments must own their efforts to enact reforms and disrupt criminal networks and the corruption they engender.

Our assistance programs can nudge countries in the right direction. But long-term progress to close pathways for corruption and push the illicit drug trade to the margins must come from our partners. To mobilize political will for further reforms, the United States must continue to engage civil society and public audiences. Partner governments that are accountable to their citizens and value contributions from civil society have much greater resiliency against corruption, drug trafficking, and other criminal threats. No country is immune to these challenges, and we share them ourselves. The United States must achieve further success here at home to reduce our own vulnerabilities, such as reducing demand for illicit drugs. By holding ourselves and our partners accountable, and recognizing that these are shared challenges, we give greater strength to our public messaging and increase our appeal as a partner.

The CHAIRMAN. Thank you.  
Secretary Nichols.

**STATEMENT OF THE HON. BRIAN A. NICHOLS, ASSISTANT SECRETARY OF STATE FOR WESTERN HEMISPHERE AFFAIRS, U.S. DEPARTMENT OF STATE, WASHINGTON, DC**

Mr. NICHOLS. Chairman Menendez, Ranking Member Risch, distinguished members of the committee, thank you for the opportunity to testify regarding our efforts to promote inclusive democracy in the Americas.

Two decades ago, we and our Western Hemisphere partners committed to promote and defend democracy across the region through the Inter-American Democratic Charter.

Following that historic commitment, the region's democracies enjoyed a period of relative prosperity, security, and stability.

Unfortunately, too many ordinary citizens in the region's democracies saw their governments failing to meet their aspirations for a better future. Street protests broke out in several countries in 2019 as citizens expressed anger and frustration with political and economic elites. The COVID-19 pandemic has highlighted and exacerbated the region's underlying governance challenges.

As Secretary Blinken said in his October 20 remarks in Ecuador, we find ourselves in a moment of democratic reckoning and the question for all of us who believe in democracy and believe its survival is vital to our shared future is what can we do to make democracies deliver on the issues that matter most to people.

Our defining mission in the Bureau of Western Hemisphere Affairs is answering that question and doing all we can to deliver the benefits of democracy to the nations of the Americas.

We know elements of the answer already. To strengthen democracy, we must use every diplomatic, economic, and moral tool available to combat corruption, enhance civilian security, improve government service delivery, and address the economic and social challenges facing the region's citizens.

We work across all these fronts daily with partners across the globe. We hold corrupt actors accountable including through visa restrictions, economic sanctions, and naming more than 60 individuals in El Salvador, Guatemala, and Honduras to the Section 353 Corrupt and Undemocratic Actors List.

We will expand on our commitment to fight corruption as host of the Ninth Summit of the Americas next year. To strengthen civilian security, the United States invests billions of dollars globally to reduce violence and combat transnational criminal organizations.

We laid the groundwork for more comprehensive approaches to security at the October 8 High-Level Security Dialogue with Mexico and the October 21 High-Level Dialogue with Colombia. We will adopt similar approaches with other partners.

We must also address the economic and social challenges facing our citizens as together we recover from the pandemic. In partnership with COVAX and bilaterally, we have donated more than 54 million doses to 30 countries in the hemisphere.

The United States has invested more than \$10 billion in Latin America and the Caribbean through the Development Finance Corporation to help the region restart its economy. The President's Build Back Better World Initiative will frame our efforts, moving forward.

We must work tirelessly to support democracy where undemocratic regimes prevail. We support the Unity Platform in Venezuela and their demand for human rights and democracy. Nicolas Maduro should release wrongfully-detained U.S. nationals immediately so that they can return to their families.

In Nicaragua, following the sham November 7 elections, the Administration sanctioned 40 individuals and 9 entities under our Nicaragua-specific four Global Magnitsky programs.

We imposed visa restrictions on 169 people linked to the Ortega-Murillo Government. We announced a presidential proclamation on Nicaragua suspending the entry of individuals complicit in undermining democracy. We welcome the strong bipartisan RENACER

legislation and look forward to working closely with you to implement it.

Our Cuba policy focuses on support for the Cuban people and accountability for Cuban Government officials involved in human rights abuses. Working with the international community, we condemn the violence and repression perpetrated by the Cuban regime.

Since July, the Treasury Department has imposed four rounds of targeted financial sanctions against Cuban officials and entities within the Cuban military and security services, imposing tangible consequences against repressors and promoting accountability for the human rights abuses.

The Administration also supports efforts to counter internet censorship. We will continue to work with the private sector and other stakeholders to identify viable options to ensure greater internet access for the Cuban people.

We see these and other challenges confronting the region, but we stand by our conviction that democracy remains the best form of government to address them.

The President will host the Summit for Democracy on December 9 and 10, where we will take on bold new commitments to fight corruption, defend against authoritarianism, and promote respect for human rights both at home and abroad, and I am honored to partner with INL and my friend, Todd Robinson, its Assistant Secretary, in that effort.

Thank you again for the opportunity to testify, and I look forward to your questions.

[The prepared statement of Mr. Nichols follows:]

**Prepared Statement of Mr. Brian A. Nichols**

Chairman Menendez, Ranking Member Risch, Members of the Committee, thank you for the opportunity to testify regarding our efforts to promote inclusive democracy in the Americas.

ENSURING DEMOCRACY DELIVERS

Two decades ago, together with our Western Hemisphere partners, we committed to promote and defend democracy across the region through the Inter-American Democratic Charter. Following that historic commitment, the region's democracies enjoyed a period of relative prosperity, security, and stability. Latin America's middle class grew, and poverty fell by half. Living standards and access to education rose. Maternal and infant mortality declined.

Nevertheless, too many ordinary citizens in the region's democracies saw their governments failing to meet their expectations and aspirations for a better future. Corruption remained rampant. Economies grew but so did inequality. Crime and insecurity took too many lives and stymied the region's development. Surveys this year showed citizens' satisfaction with democracy at near historic lows. Street protests broke out in several countries as citizens expressed anger and frustration with political and economic elites. The COVID-19 pandemic highlighted and exacerbated the region's underlying governance challenges and inequities.

As the Secretary said in his October 20 remarks in Ecuador, "We find ourselves in a moment of democratic reckoning. And the question for all of us who believe in democracy—and believe its survival is vital to our shared future—is what can we do to make democracies deliver on the issues that matter most to people." Our defining mission in the Bureau of Western Hemisphere Affairs is answering that question.

We know elements of the answer already. To strengthen democracy, we must work closely with those in the region committed to using the tools of government to transparently address the needs of their societies and equally committed to handing over power at the end of their term in office. We must use every diplomatic and economic tool available to combat corruption, enhance civilian security, improve gov-

ernment service delivery, and address the economic and social challenges facing the region's citizens. In short, we must close the gap between democracy's promise and its reality. We work across all these fronts daily.

Public frustration with corruption represents one of the greatest threats to confidence in political systems across the region. That is why President Biden's designation of fighting corruption as a core U.S. national security interest resonated in many countries in the Americas. We use the tools Congress gave us to show our commitment is not just rhetorical. We hold corrupt individuals and groups accountable, including through visa restrictions, economic sanctions, and adding more than 60 individuals in El Salvador, Guatemala, and Honduras to the Corrupt and Undemocratic Actors list mandated under Section 353 of the United States-Northern Triangle Enhanced Engagement Act. We will uphold and expand upon our commitment to fight corruption as host of the Ninth Summit of the Americas next year.

To strengthen civilian security, the United States invests billions of dollars globally to reduce violence and combat transnational criminal organizations. However, we must do even more to address the root causes of insecurity in our hemisphere. Under the Administration's Root Causes Strategy, we work with local communities to reduce the violence and insecurity in northern Central America which drives so many Central Americans out of their homes. We laid the groundwork for more comprehensive approaches to security at the October 8 High-Level Security Dialogue (HLSD) with Mexico and October 21 High-Level Dialogue with Colombia and will adopt similar approaches with other partners.

We must also address the economic and social challenges facing our citizens as together we recover from the COVID-19 pandemic. In partnership with COVAX and bilaterally, we donated more than 54 million vaccine doses to 30 countries in the Western Hemisphere. At this month's North American Summit, President Biden and his counterparts from Mexico and Canada pledged to develop a trilateral North American Partnership for Racial Equity and Inclusion. The United States invested more than \$10 billion in Latin America and the Caribbean through the Development Finance Corporation (DFC) to grow economies, create jobs, and help the region restart its economy. As part of the President's Build Back Better World Initiative, we sent a delegation to Colombia, Ecuador, and Panama in September to work with our partners to narrow the gaps in physical, digital, and human resources infrastructure exacerbated by the pandemic. The B3W Initiative will frame our efforts in the Hemisphere moving forward.

#### PREVENTING DEMOCRATIC BACKSLIDING

Twenty years after the approval of the Inter American Democratic Charter, we recognize that governance conditions in some countries either have not progressed or are moving in the wrong direction.

Haiti struggles with grave humanitarian and security challenges and political turmoil, compounded by the July 7 assassination of President Jovenel Moïse and the August 14 earthquake. NSC Senior Director Juan Gonzalez, Under Secretary for Civilian Security Uzra Zeya, Assistant Secretary Todd Robinson, and I all made trips to Haiti in October and November to underscore the Administration's commitment to the Haitian people.

In our meetings with the diaspora, civil society, political actors, and Prime Minister Ariel Henry, we expressed concern about insecurity and pledged our support for the Haitian people to find their own solutions and chart a broad and inclusive path out of the current political uncertainty. Haitian stakeholders insisted the current insecurity would not allow for free and fair elections this year. I agree.

The Haitian people will determine a timeline for their elections. We will work now to support conditions for free and fair elections when they happen, including by helping the Haitian National Police (HNP) restore security and address gang violence. The October kidnapping of 16 American and one Canadian missionary underscores the grave lack of security in Haiti.

We witnessed a serious erosion of democratic norms in Central America in the last decade. In El Salvador, the Bukele administration took taken a series of concerning steps that weakened respect for democratic principles and institutions. The proposed Foreign Agent Law, which would impose unnecessary controls on civil society activities protected under the Democratic Charter, emerged in the context of other actions that seem aimed at concentrating power in the hands of the executive and intimidating critics of the Bukele administration. These include sending armed soldiers into the Legislative Assembly; improperly replacing Supreme Court judges with loyalists who decreed—against the country's own constitutional provisions—that a president can run for re-election; cutting off access to public information; turning a blind eye to corruption within the current administration; and denigrating

civil society, independent media, and U.S. assistance as “the opposition.” While we remain committed to helping the Salvadoran people achieve security and prosperity, we will continue to work with Congress and international partners to urge the Bukele administration to change course and recommit to human rights and democratic norms.

In Honduras, violence marred the runup to Sunday’s national elections with more than 30 tragic deaths associated with the election cycle. Thankfully, election day itself was largely peaceful, with a turnout that reflected the democratic spirit of the Honduran people. I visited Honduras last week to underscore the importance of a peaceful, transparent, free and fair election to the candidates and Honduran stakeholders in the government, civil society, and the private sector. DRL and USAID supported messaging campaigns and worked with their contacts to encourage non-violence and respect for the electoral process. INL provided training on the role of police in elections to more than 5,000 officers and distributed more than 20,000 pamphlets on best practices for use of force. USAID also supported electoral authorities to strengthen their efforts to promote fair and transparent elections, including establishing internal biosafety protocols for electoral personnel before and on election day.

In Guatemala, the Attorney General used her office to obstruct investigations into high-level wrongdoing and instead persecuted those seeking to strengthen accountability for corruption and human rights violations, including by dismissing the Public Ministry’s leading anti-corruption prosecutor on July 23. This is especially unfortunate in view of the excellent cooperation we enjoy with Guatemala on law enforcement matters, including record-level extraditions and cooperation on drug interdictions. Good cooperation in some areas, however, does not mean we can ignore actions that undermine the rule of law. We designated the Attorney General and her deputy under Section 353 which suspended most avenues of cooperation with the Public Ministry until the selection of a new Attorney General in May 2022. We urge the government of Guatemala to pursue a fair and transparent process to nominate qualified and independent candidates as the next Attorney General.

#### SUPPORTING DEMOCRATIC TRANSITIONS IN NON-DEMOCRATIC REGIMES

We must work tirelessly to support democracy where undemocratic regimes prevail. We support the Unity Platform of Venezuelan democracy defenders in their demand for human rights and democracy in their country. On the margins of the 51st OAS General Assembly on November 10–12, we joined 12 other countries calling for the return of democracy in Venezuela and for attention to its humanitarian crisis. Nicolás Maduro should release wrongfully detained U.S. nationals immediately so they can return to their families in the United States.

In Nicaragua, the Ortega-Murillo regime launched an unprecedented crackdown against opposition leaders and independent journalists. Following the sham November 7 elections, Ortega and Murillo no longer have a democratic mandate. On November 12 at the OAS General Assembly, 25 countries voted to condemn the Nicaraguan elections and demand the release of political prisoners and a return to democracy. Nicaragua alone voted against the resolution, demonstrating its isolation in the region. The Administration sanctioned a total of 40 individuals and nine entities under our Nicaragua-specific or Global Magnitsky sanctions programs, with the largest tranche announced on November 15 following the sham elections. We imposed visa restrictions on 169 individuals linked to the Ortega-Murillo government and their immediate family members and on November 16 announced a Presidential Proclamation on Nicaragua suspending the entry of individuals complicit in undermining democracy. We welcome concrete actions taken by our partners, including Canada’s and the UK’s announcement of additional Nicaragua sanctions on November 15, and the EU’s August 2 decision to apply sanctions on eight individuals, including Vice President Murillo. We welcome the strong bipartisan RENACER legislation and look forward to working closely with you to implement it.

Our Cuba policy focuses on support for the wellbeing of the Cuban people and accountability for Cuban Government officials involved in human rights abuses. Working with the international community, we condemn the violence and repression perpetrated by the Cuban regime upon the Cuban people for demanding their fundamental freedoms. Time and again the Cuban Government rejected the Cuban people’s attempt to initiate a discussion, choosing instead to respond with repression, sending security forces and government-backed mobs to bully those who seek democracy. On November 15, the regime again blocked the voices of the Cuban people rather than listen, forgoing opportunities for dialogue and positive change for the future of Cuba. Since July, the Treasury Department imposed four rounds of targeted financial sanctions against Cuban officials and entities within the Cuban mili-

tary and security services in connection with violence, repression, and human rights violations against peaceful protestors.

Through these Global Magnitsky sanctions, the Biden-Harris administration imposes tangible consequences against repressors and to promote accountability for their human rights abuses.

We also seek ways to meaningfully support the Cuban people. The Administration also supports efforts to counter Internet censorship, restrictions on content access, and shutdowns. We will continue to work with the private sector and other stakeholders to identify viable options to ensure greater internet access for the Cuban people.

#### DEMOCRACY CAN DELIVER

We see these and other challenges confronting the region, but we stand by our conviction that democracy remains the best form of government to address them. As the Secretary said in Quito, “there’s no threat we face that better democracy cannot fix—no challenge where a closed system would do better for people than an open one.”

We look forward to working with our partners to ensure that democracy delivers equally throughout the hemisphere. On December 9–10, the President will host the Summit for Democracy, which serves as an opportunity for governments, civil society, and private sector stakeholders to promote these ideals and hold ourselves accountable to the commitments we have made. We will also take on new commitments to address and fight corruption, defend against authoritarianism, promote respect for human rights both at home and abroad, and advance an economic recovery in the hemisphere that creates the conditions for equitable growth, benefitting historically marginalized populations. Twenty-six countries from our region will attend the Summit to work together toward strengthening democracy in our hemisphere.

Thank you again for the opportunity to testify. I look forward to your questions.

The CHAIRMAN. Thank you both for your testimonies. We will start a series of 5-minute rounds.

Secretary Nichols, let us talk about some of these things specifically. The Cuban military has long claimed that it draws its power from the people. Yet, Diaz-Canel, like the Castros before him, is using the military to perpetrate the Communist Party’s stranglehold on the Cuban people and stifle democratic openings.

The regime militarizes the island to shut down peaceful protests and continues expanding the military’s control of the Cuban economy, fueling the rise of a new generation of military oligarchs in the process.

The Biden administration rightly designated Defense Minister Lopez Miera under Global Magnitsky sanctions, but it has become clear that the problem is bigger than one general.

Let me ask you, do we agree that the Cuban military has an expansive control of the economy, which stifles out, for example, independent entrepreneurs trying to get a foothold in the country’s economy?

Mr. NICHOLS. Yes, Mr. Chairman. The role of the Cuban military—MINFAR, GAESA—in dominating the economy and controlling the largest businesses and placing itself in a position to suck up resources that go into different parts of the country is of great concern.

The military’s role in repressing citizens who seek only to exercise their fundamental rights of free speech, assembly, has been documented for decades, and everything that we can do to prevent that conduct, I think, will be important.

The CHAIRMAN. We agree what the role they are playing is a rather nefarious role, but what steps will the Biden administration take to increase accountability for the military’s role in repression and to facilitate the demilitarization of the Cuban economy?

Mr. NICHOLS. Thank you, Mr. Chairman.

The Administration continues to look at specific individuals to sanction under the full range of our authorities. We look to block resources from moving into military-controlled organizations and companies, and we will continue to prevent military individuals from traveling and we will work with allies and partners around the world to highlight the abuses that the Cuban military perpetrates on its populace.

The CHAIRMAN. There is a lot more that can be done and there is a lot more sanctioning that should take place so that people understand that they do not get away with impunity.

One of the things we should be looking at is revoking the visas of a variety of Cuban military and Cuban officials' families that have visas to come to the United States. Sends a very clear message that we will not tolerate and give them the benefit of doing what everyday Cubans cannot do, and I really would urge the Administration to look at that. We have been talking for some time about how do we facilitate freedom of expression inside of Cuba, particularly through the use of the internet, and you refer to it in your testimony.

I understand we have been using and seen an exponential use of some tools that the Department and USAGM have been working on. I will not get into the specifics because we do not want to give the regime greater information about them for circumvention.

Why is it that we have not been able to find the pathway to greater widespread internet use inside of Cuba? What are the obstacles that we are facing in that regard?

Mr. NICHOLS. Thank you, Mr. Chairman.

There are a number of challenges with regard to internet in Cuba. The first is the amount of bandwidth that goes into the country, which is quite limited. If there were greater bandwidth overall there would be greater ability to access the internet at higher speeds.

The regime uses a number of technologies and techniques to block internet access to individuals, to small groups of people, to specific geographic locations, and actually does not typically shut down the entire internet to the island. Defeating those techniques and technologies is an important focus of our efforts, and I am happy to go into greater detail with you and your colleagues in a restricted setting.

The CHAIRMAN. All right, but there has been suggestion that if we did satellite, if we tethered balloons, if we did a variety of other things, that we could more successfully get access to the internet for the Cuban people.

We have researched those and the challenge is bandwidth on the island. Is that what you are saying?

Mr. NICHOLS. That is one of the challenges, but projecting a wireless signal into the island either from a balloon or an aircraft or from a static location when the Cuban authorities would be actively trying to jam that signal presents a significant technological challenge and, again, I am happy to go into greater detail on that.

The CHAIRMAN. Let me close on Venezuela. I think the Administration has rightfully claimed the recent elections as a sham election. I believe other countries have also joined in calling it such.

I am really concerned about the purposes of EU Commissioner Borrell's intentions. A leaked EU memo shows that he ignored recommendations from his own staff not to send an observation mission to Venezuela, and if we want a credible alternative to the Borrell report about all the flaws and manipulations of elections in Venezuela, it has to be prepared by a credible organization.

Can you confirm for us today that the United States does, indeed, support a negotiated solution as codified in the VERDAD Act and make equally clear that any recalibration of U.S. sanctions will be tied to concrete results at the negotiating table?

Mr. NICHOLS. Yes, Mr. Chairman, and in fact, I will be meeting with members of the Unitary Platform this afternoon.

The CHAIRMAN. Now Interim President Guaido and the National Unity Platform have shown their willingness to participate in negotiations to restore democracy and the rule of law in Venezuela.

However, in a sign of bad faith, Maduro suspended the talks in October because he is upset about someone who was apprehended by the U.S. Justice Department who may spill the goods on him.

It shows where we are at with Maduro. I hope the world recognizes that. My understanding is that interim President Guaido has been invited to the Summit of Democracies. Is that true?

Mr. NICHOLS. That is correct, Mr. Chairman, and he will have a speaking role at that event.

The CHAIRMAN. All right. Thank you very much.

Senator Risch.

Senator RISCH. Thank you, Mr. Chairman.

I wonder if both of you could speak to the fact that in the last presidential campaign then candidate Biden had promised sanctions on Maduro and the regime and nothing has happened in these 10 months. Can you explain that?

Mr. NICHOLS. Thank you, Ranking Member Risch.

We continue to support a negotiated process in Venezuela. When we have the information regarding actions of certain individuals, we take action to use all of the authorities that we have been given.

We believe that the crucial elements in the way forward is the negotiation process and, hopefully, the Maduro regime will return to the table promptly.

Senator RISCH. What information are you looking for? Every time we talk to the Administration about this they say, oh, well, we are working on it. We are looking for information. What information are you looking for and on what individuals?

Mr. NICHOLS. It is our goal to collect comprehensive and detailed information on the actions of government actors that violates U.S. law or international norms and that will withstand judicial scrutiny.

Senator RISCH. What information are you looking for?

Mr. NICHOLS. Participation in human rights violations—

Senator RISCH. You do not have any information on that?

Mr. NICHOLS. —and acts of corruption. Those are the types of areas where we seek information.

Senator RISCH. Do you plan on doing any sanctions at all in the near future?

Mr. NICHOLS. The Administration has aggressively used the sanctions authorities available and I expect that we will continue to do so.

Senator RISCH. Do you want to comment on this?

Mr. ROBINSON. I would just add that I do not think the previous administration or the current administration are holding back on using sanctions, certainly, not against members of the Maduro regime, and we intend to continue to do that.

Senator RISCH. Were either one of you consulted on removing FARC from the list, the terrorist list?

Mr. NICHOLS. Yes. The Bureau of Western Hemisphere Affairs was consulted and played a role in the listing of the FARC-EP and the Segunda Marquetalia and the delisting of the FARC, which demobilized in 2016.

Senator RISCH. Did you recommend that that delisting take place?

Mr. NICHOLS. The delisting recognizes the reality on the ground that the original FARC, if you will, which targeted me when I served in Colombia so I have no love for them, but they have participated in the peace process since 2016.

They have demobilized their structures, while the FARC-EP and the Segunda Marquetalia have carried out continued terrorist activities, attacked individuals, carried out bombings, participated in drug trafficking, and we want to focus on those who are currently carrying out those illicit activities.

Senator RISCH. Do you have anything to add to that?

Mr. ROBINSON. The Bureau of International Narcotics and Law Enforcement was also consulted and we came to the same conclusion.

Senator RISCH. My time is almost up. I yield back, Mr. Chairman.

The CHAIRMAN. Senator Cardin.

Senator CARDIN. Thank you, Mr. Chairman, for holding this hearing and let me thank both of our witnesses for their service to our country and our hemisphere.

Our hemisphere has always bragged about having democratic states and, yet, in recent decades we have seen a decline of democracy, a decline of countries where they have free and fair elections so that people can have self-determination of their leaders.

We see a growth of systemic corruption, as you have all pointed out, which denies the people of that country effective democratic governance. It really is a critical moment, and I was listening to your response and I understand that you are collecting information.

I know that you are using the different legislative authorities that you have to identify actors for sanctions and to use country activities to express our concerns about the decline of democracy.

I just want to be clear. The chairman questioned about Cuba, questioned about many other countries. To me, the sanction that has gotten the most international attention is the Magnitsky sanction.

Other countries around the world have adopted similar regimes that we have to identify individuals for visa bans and for denial of the use of our banking system, which is really critical for those that participate in corruption.

They like to travel and they like to hide their money in states that have no rule of law, and if we can deny them that opportunity it really affects their ability to carry out their corrupt regimes.

I think we have got to be very clear about our commitment to use these sanctions, and I must tell you I have not seen a robust use of the Magnitsky sanctions in our hemisphere.

I have seen some, but I have not seen a robust use. That statute, really, anticipates a collaborative effort between Congress and the Administration on working together to identify and impose sanctions against those that are committing these types of activities.

President Biden has been very clear to identify corruption as the fuel to undemocratic regimes. Can we be more open and robust so that it is a very clear message to those that are participating in corruption that they are going to be identified by the United States?

If we do not have U.S. leadership there is not going to be leadership in our hemisphere. We have got to take the lead.

I understand there is a due process. I understand you have got to collect information, but we also have to be very clear about our willingness to identify those corrupt actors and impose tough sanctions against them individually so that they cannot benefit from their corruption.

Why are not we being more aggressive in this area?

Mr. ROBINSON. Senator, thank you for that very important question, and from our standpoint, I think, again, the Administration has not been leaning back on this. I think they have been leaning forward, but I think we have to recognize that sanctions are part of a kit that we can use to not just go after those who are committing corrupt acts, but we have to look at other tools that we can use: support for democratic institutions, making sure that we are——

Senator CARDIN. I agree with you. I agree with you that we need to have the programs in place to support democracy and democratic institutions and I strongly support those partnerships through the State Department. I agree with you.

It has got to be a carrot-stick. Do you how many Magnitsky sanctions have been imposed in our hemisphere in the last 12 months?

Mr. ROBINSON. I do not know off the top of my head. No.

Mr. NICHOLS. I think we are over 40, I think.

Senator CARDIN. How many are now under consideration?

Mr. NICHOLS. I cannot tell you how many are currently under consideration, but we look to aggressively deploy them across all of the areas where we see problems, and as you alluded to, Senator, a key part of that is bringing along international partners so when we are able to enlist the European Union or Canada or the UK to also apply sanctions, to secure supportive resolutions in multilateral organizations, that all increases the pressure on the authoritarian and criminal regimes in our hemisphere.

Senator CARDIN. I would just conclude on this, and I would ask for a commitment that you work with our staffs, with us as this committee, on the list that you are working on and the countries in which you are working on because it is our impression that we could be more direct and visible on the use of these sanctions to make it clear that America's leadership is there.

I understand we want to work with other countries, but it is critical that the United States takes the lead, and I would just ask for your commitment that you would work with us and our staffs as we identify countries and individuals that we believe need to be considered for these types of sanctions.

Mr. NICHOLS. Absolutely, Senator.

Mr. ROBINSON. Absolutely.

Senator CARDIN. Thank you.

The CHAIRMAN. Thank you.

Senator Rubio.

Senator RUBIO. Secretary Nichols, I think you would agree that supporting democracy begins by supporting the existing democracies, to do nothing that undermines their strength or legitimacy. You would agree with that?

Mr. NICHOLS. Yes.

Senator RUBIO. Okay. You would also agree, I believe, that Colombia is one of the strongest, most stable democracies and one of our best partners and allies in the region. That is a correct statement?

Mr. NICHOLS. Absolutely.

Senator RUBIO. Did we consult with them before we delisted the FARC?

Mr. NICHOLS. Yes.

Senator RUBIO. What was their take on it?

Mr. NICHOLS. This has been part of the implementation of the 2016 agreement between the Government and the FARC—the peace accord—and from Colombia’s standpoint the key element is for us to be able to deliver assistance in areas where the FARC has demobilized. That is the—

Senator RUBIO. Were they in favor or against the delisting?

Mr. NICHOLS. I do not want to characterize their position. They were, certainly, in favor of us providing assistance for those who have demobilized and are participating in the peace process. They are also in favor of us listing FARC–EP and the Segunda Marquetalia.

Senator RUBIO. Okay. So in terms of providing assistance to those who have demobilized and become politically engaged, is it not true that they wanted that assistance to be channeled through the Colombian Government?

Mr. NICHOLS. We have a robust partnership with Colombia on these issues and we work hand-in-hand with them. It is a great partnership.

Senator RUBIO. I understand, but is it not true that what they wanted was not just to delist it. They did not want a delisting. What they wanted was to the extent that you are going to provide assistance to these people who have abandoned the guerrilla fight, laid down their weapons, become politically engaged, we want you to run that assistance through the democratically-elected government of Colombia, not unilaterally.

Mr. NICHOLS. Certainly, they and many governments with whom we partner have an interest in us providing direct budgetary support, but I think it is important for us to be able to implement the programs that the Congress authorizes, that USAID and other im-

plementing agencies like INL be able to directly carry out the programming.

Senator RUBIO. Even if the carrying it out directly goes against the wishes of the democratically-elected partner of that home country?

Mr. NICHOLS. Everything we do with our partners in Colombia is negotiated and agreed with the Government of Colombia.

Senator RUBIO. So you are saying they agreed to this? They agreed to this agreement? This is what they wanted to see happen, a hundred percent?

Mr. NICHOLS. They have signed an agreement on assistance programs, whether it is with USAID or with INL.

Senator RUBIO. No. No. Did they agree with the delisting and the direct delivery of aid to former FARC or FARC elements?

Mr. NICHOLS. I did not personally participate in that conversation. I do not want—

Senator RUBIO. Who did? Is this a NSC process? Was the NSC lead on this?

Mr. NICHOLS. Sir, our ambassador in Bogota was crucial in this process and, again, I do not want to give the impression that there is any daylight between the Government of Colombia and the United States. They are superb partners.

Senator RUBIO. Okay. I think we will hear from them on it. I can tell you I know what their opinion on it is. They were not in favor of the delisting and they wanted to the extent aid to be provided to these people that it be provided through them and not directly.

Let me ask this—talk about the reality on the ground. After this so-called peace process, there used to be—right, there is this FARC. The people who laid down their arms and became politically engaged have done so through a political party called Comunes, correct?

Mr. NICHOLS. Yes, Senator.

Senator RUBIO. That group is not sanctioned. They are not on any list of foreign terrorist organizations, right? They are not—okay. Then the group that did not lay down their arms have gone on to become these dissident groups—FARC dissident, FARC-D, and others, correct?

Mr. NICHOLS. Correct.

Senator RUBIO. Okay. We sanctioned the group that became the dissidents. We have added them to the list, and the people that are in the political party are no longer sanctioned because they are no longer part of FARC. They are now part of the political process.

Who exactly are we delisting? What was the purpose of doing this? If the argument is that the peace process has dismantled the FARC and now people that were in the FARC are either, A, dissidents who are covered under the new listing, or B, members of a political party who are not part of any sanction list, why did we do this?

Who is not getting money as a result of this? Who is not a dissident group, who is not part of Comunes, and needs money from the United States that used to be or is a part of FARC?

Mr. NICHOLS. In order to carry out the development programming with former members of the FARC, from a legal standpoint delisting them was required.

Senator RUBIO. Would it not have been easier to just say if you abandon the FARC and now join Comunes you are no longer considered a former—would that not have been easier to do and more straightforward and less confusing than delisting an entire group?

Because a new group could start up tomorrow and say, we are the FARC, right? The dissident group could rename themselves and, theoretically, not be covered by this.

Mr. NICHOLS. The nomenclature is covered in the way that we address this. We named specific leaders of these FARC-EP and Segunda Marquetalia, their structures, sub-fronts, organizations, and alternate names. So—

Senator RUBIO. We could have done the same by just naming the political party as opposed to creating all this anxiety and, frankly, going against the wishes of our democratically-elected allies in Colombia.

Thank you.

The CHAIRMAN. Thank you.

Senator Murphy.

Senator MURPHY. Thank you very much, Mr. Chairman. Thank you both for your work and for coming before the committee today.

I think it is safe to say that President Trump's policy towards Venezuela was a failure. The Administration, essentially, decided to push all of our chips to the center of the table on the first hand, recognizing Guaido ahead of many of our allies in the region and assuming that that would lead to the immediate collapse of Maduro's regime.

That is not what happened and there was no plan B, so we were stuck for the next 3 years. You have a lot of work to do to put together a policy that actually effectuates American aims in the region.

On the question of sanctions, I just want to probe this with you a little bit more, Secretary Nichols, because there is, certainly, a case to be made that our sanctions can be effective, that they can weaken Maduro, and that they can punish bad actors.

There is, of course, a flip side. There is a humanitarian crisis in Venezuela today. There is a report from a few years ago suggesting that our sanctions have dramatically reduced caloric intake, increased disease and mortality, and had a number of other really serious and potentially catastrophic effects on the Venezuelan people.

It also has the potential, our sanctions do, to provide fuel behind the anti-Americanism that is essential for Maduro to hang on to power. I have supported these sanctions because there is no shortage of individuals in Venezuela who deserve them.

At the same time, there are humanitarian consequences and there, frankly, is not a lot of evidence over the course of the last 4 to 5 years that those sanctions are actually weakening the Maduro regime.

So let me ask you about how you view both the upside and the downside of our existing sanctions policy and the prospect of additional sanctions.

Mr. NICHOLS. Thank you, Senator.

The sanctions are an important tool in our quiver, and as Assistant Secretary Robinson said, it is also important to have other tools

that we can use to both induce positive behavior and to dissuade people from taking improper actions.

We need to work to balance and leverage all of those tools to the greatest extent possible. I think the suffering of the Venezuelan people owes much more to the horrible policies of Hugo Chavez and Nicolas Maduro, which destroyed the economy, the healthcare sector, food production, retail sector, and some 6 million Venezuelans have voted with their feet to leave that country.

I think those are sort of the root causes of the suffering in Venezuela, but I also believe firmly that a negotiated process between the Unitary Platform and the Maduro regime is the best way forward, a process led by Venezuelans themselves, and we should be flexible and creative in supporting that process.

Senator MURPHY. I agree the primary and proximate cause is the unconscionable immoral leadership of the Maduro regime, but our sanctions can be contributory and they can provide a diversion for Maduro so as to blame the economic suffering in the nation on us rather than have it land on his shoulders, and I just hope that that is a consideration that we weigh.

I wanted to ask, Mr. Robinson, one question of you with respect to gun violence and small arms proliferation in Mexico. Despite increased troop deployments by the Mexican Government to try to help address the violence in that country, homicides have continued to rise.

The statistics suggest that over 70 percent of the guns that are recovered at Mexican crime scenes originated in the United States, and earlier this year the Mexican Government went so far as to file a lawsuit accusing American gun manufacturers of helping to fuel the rise in violence by knowingly flooding Mexico with firearms that are designed to end up in the hands of the cartels.

What is the Administration doing to try to cut down on the flow of illegal arms and the arms trade into Mexico?

Mr. ROBINSON. Thank you, Senator. That question came up earlier this year during the High-Level Security Dialogue, which I participated in, in Mexico, and we have committed to working—we, my interagency partners at DEA and FBI and ATF, have committed to working more closely with Mexican officials on the illegal arms trade and the flows of arms and money, frankly, from the United States to Mexico.

Senator MURPHY. I look forward to working with you on that as well. Thank you, Mr. Chairman.

Senator SHAHEEN [presiding]. Thank you, Senator Murphy.

Senator Portman.

Senator PORTMAN. Thank you, Madam Chair. Let me just say to both of you thank you for your service and appreciate your comments today.

Secretary Nichols, you and I have had some good conversations regarding the kidnappings in Haiti and I want to dig a little deeper into that today and find out where we are. I do appreciate your personal involvement in this.

For those who do not follow this closely, there is an Ohio-based group in my home state of Ohio called Christian Aid Ministries that had 17 people kidnapped in Haiti. It happened 6 weeks ago and, typically, as I understand it, these kidnappings result in some

resolution prior to that time. So I am very concerned about it. Two hostages have been released. I guess that is encouraging, but of the remaining hostages, the 15, there are children as well, one very young child.

Again, I appreciate our conversations about it. This committee has expressed its concern on this. We actually passed an amendment last month requiring the State Department to work better on an interagency basis to coordinate efforts on kidnappings in Haiti and to address the broader issue of violence.

This criminal gang, the 400 Mawozo gang, is responsible. I have also spoken to the FBI director about this and made sure that we are doing everything we can from the law enforcement point of view to resolve this issue.

Can you give me the status today of what is being done by the State Department and by the U.S. Government to rescue these missionaries?

Mr. NICHOLS. Thank you, Senator.

The issue of kidnapping for ransom in Haiti is a grave one. I believe 41 U.S. persons—U.S. citizens and legal permanent residents—have been kidnapped for ransom in Haiti in 2021.

The embassy country team, including U.S. law enforcement agencies, are cooperating with Haitian police authorities to support a resolution of this case. It is one of deep concern.

We saw the release of two U.S. citizens who had been kidnapped in connection with that case and we hope that there will be a rapid resolution and favorable resolution for the remainder of those who have been kidnapped.

Senator PORTMAN. Secretary Nichols, are you staying personally involved in this?

Mr. NICHOLS. I am personally involved in it and I am in contact with our embassy in Port-au-Prince on the situation every day.

Senator PORTMAN. I appreciate that, and if there is anything you think we should be doing we are not doing I would ask you to let me know and we will continue to help however we can in terms of expressing our deep concern, but we have to rely on people on the ground doing the right thing and making sure this is a priority. I thank you for that.

Let me change to another topic, which is the drug issue. We have a crisis right now, and a couple charts here have arrived just in time that I took to the floor of the Senate last night.

I recently was on a congressional delegation with Senator Kaine, who is here with us today, and we went to various countries in the region, including Ecuador, Colombia, Guatemala, and Mexico and met with the President of Mexico and, of course, raised this issue. I think it should be the top issue in our bilateral relationship with Mexico today.

Senator Murphy just mentioned the gun issue, totally related to this issue. These transnational criminal organizations are selling drugs into the United States, making a tremendous profit and, yes, cash and drugs, cash and guns, are coming back into Mexico and that means it is an issue for both Mexico and for us in a very significant way.

Here is the crisis and it is pretty extraordinary. We have got 100,000 people who died in America of drug overdoses during the

most recent 12-month period for which we have data, which would be April to April.

It is probably worse than that now. That is a record. That is more people than die from gunshot wounds and traffic accidents combined.

[Chart is shown.]

Here is what is happening. The blue line is the number of overdose deaths related to fentanyl, which is a synthetic opioid produced primarily now in Mexico. You can see we have gone—from 2015 the blue line keeps going up to 2020. In 2020, well over half of the overdose deaths in this country were from one drug and that is fentanyl. Also, crystal meth plays a role here, cocaine plays a role, other drugs that originate in Mexico as well, but this fentanyl issue is just overwhelming.

Let us look at this next chart. You can see what is happening right now. On the U.S. border, we were told that last month there was a 42 percent increase in 1 month of fentanyl seizures, and what the Border Patrol agents will tell you privately is that they are not catching the vast majority of it.

Here it is, seeing it from 2016 up to 2021 you can see the increase in fentanyl seizures. We have a huge crisis. This is a killer drug and it is not slowing down. People have supply chain issues in this country right now. The transnational criminal organizations do not have a supply chain issue. They are figuring out a way to do it.

What specific steps, Mr. Nichols, have you asked the Government of Mexico to take under the Bicentennial Framework for Security to stop the flow of fentanyl and other illicit drugs into the United States?

Mr. NICHOLS. If I could, I would like to ask my colleague, Todd Robinson—

Senator PORTMAN. I am going to ask him a question in a minute, too.

Mr. NICHOLS. Okay. So—

Senator PORTMAN. If I have time, which I do not.

[Laughter.]

Mr. NICHOLS. Yes. Together we met with Mexican authorities and stressed the importance of coordinated intelligence-driven operations to take down drug trafficking networks, move away from the going after the capo-led approach to one that takes down entire networks. Better intelligence sharing, better cooperation between Mexican authorities and U.S. law enforcement.

We have already seen progress in that area in terms of closer cooperation, better access for our law enforcement officials. As you know, fentanyl is smaller in size, cheaper to produce, and easier to smuggle. It is a very tough nut to crack.

Todd and I worked together on this issue when we were both in INL and we continue to work shoulder-to-shoulder with our Mexican colleagues to try and defeat this problem.

Senator PORTMAN. My time has expired. I appreciate the indulgence, and Secretary Robinson, I will follow up with you on what INL specifically is doing and whether it is a high enough priority.

Secretary Nichols, again, thanks for your personal involvement on the kidnapping issue. Sorry to take so much time.

Senator SHAHEEN. Thank you, Senator Portman.

Senator Kaine.

Senator KAINE. Thank you, Madam Chair, and to our witnesses thank you so much for your service. I want to talk about two things, Colombia and the Northern Triangle.

I agree with Senator Rubio's position that the first thing we should do is make sure we have strong relations with our allies and shore up democracies, and Colombia has been a great ally.

Unlike some of my colleagues, I do not have a problem with the Biden administration's delisting of FARC. Today is the fifth anniversary of the peace deal that was done between the Santos administration and FARC, and I would hope that virtually everybody on the committee would view that as an historic achievement. President Santos won the Nobel Peace Prize for it.

I think the U.S. deserves some significant credit for it. We were involved in those negotiations. I think the delisting at the—essentially, at the 5-year anniversary of the peace deal was the right decision.

The Colombian architect of the peace negotiation, Sergio Jaramillo, said, "For the Biden administration, this is a low cost thing to do. It sends the signal to the FARC it has been 5 years, you have done your bit, behaved properly, and we are delisting you."

The U.S. envoy who was involved in the peace negotiation, who is one of our finest diplomats, Bernard Aronson, said, "If groups that were once violent revolutionary groups are never allowed to get off the list that is one less incentive for them to make peace. You undermine incentives for other groups to renounce terrorism and renounce violent struggle."

I think the decision to remove the FARC after 5 years of participating in a new life and a new chapter in Colombian life, but designated groups like the FARC-EP, like Segunda Marquetalia, and as far as I know, ELN is still on the terrorist list, correct?

Mr. NICHOLS. Correct.

Senator KAINE. So there is three Colombian groups who are carrying out terrorist activities that are on the list. I think it is the right thing to do and I just wanted to start there.

Let me go to the Northern Triangle. Honduras, Guatemala, El Salvador—I note that none of them have been invited to participate in the Summit for Democracy next week.

Nicaragua has not been invited. Haiti has not been invited. Bolivia has not been invited. Venezuela has not been invited. Cuba has not been invited. None of the Northern Triangle nations.

We have invested billions and billions of dollars in this region and, yet, none of the Northern Triangle nations have been invited to participate.

I will just say, parenthetically, with this summit coming up next week, I am a little bit surprised that no one I know in the Senate has received any outreach about what we think are topics that should be brought up in the summit, and to be on the Senate Foreign Relations Committee and to have surveyed my colleagues here and on the Intel Committee and on the Armed Services Committee

and said, has anyone reached out to you about the Summit for Democracy, and so far everyone has told me no, I am a little surprised at that.

There is going to be a Summit for the Americas next summer, August of 2022. The U.S. is hosting for the first time in 25 years. I would hope that those preparing for that summit might decide that the Senate Foreign Relations Committee had some expertise and might want to reach out and get our ideas about it.

Back to the Northern Triangle. The elections in Nicaragua were a sham. Senator Rubio and I wrote a letter to you all, and I know Senator Merkley had one, too, about concerns about elections in Honduras.

If I read the OAS reports, it looks like thus far maybe things are exceeding our expectations there. The count is not yet done so we could not celebrate prematurely.

El Salvador has backslid after the first election of a president who was not part of the FMLN or was not part of the right-wing death squad groups from the past, promised that there might be a new chapter in Salvadoran life.

The President of El Salvador is behaving like an authoritarian. Even maybe our best partner in the region, Guatemala, has backslid even since Senator Portman and I were there in July in terms of sacking anti-corruption prosecutors, and I gather that is the reason that they have not been invited to participate.

This is a hugely important region to us. Much of the immigration crisis at the border is being driven by instability in the Northern Triangle. Much of the drug trade that ravages our communities is being driven by instability in the Northern Triangle.

Talk to us a little bit about this particular part of the Americas and what the Biden administration hopes to accomplish there.

Mr. NICHOLS. Thank you very much, Senator. It is a critical part of the region for us.

I was in Honduras last week. I met with the leading presidential candidates. In every meeting, I urged the importance of a peaceful, free, fair, transparent electoral process. Talked to the press about that. As you note, it appears at this juncture we have achieved that, or let me rephrase that, that the Honduran people have achieved that with the support of the international community.

The region is one that has seen drops in incomes over the past decade, problems due to climate change, challenges due to the gang-related violence and, above all, intense acute corruption from key leaders in the Northern Triangle.

We are working to address all of those issues and I think we have made progress in that, but we still have a long way to go and we are dealing with entrenched elites, political and economic elites, who do not see reform as their friend and we need to push both using carrots and sticks to encourage change.

I am hopeful that in Honduras we are going to see the kinds of change that we have been asking. The leading candidate at this moment has stated her commitment to attack corruption, to deal with the causes and drivers of migration, and to promote jobs and better incomes in her country. We look forward to working with her in that regard.

Senator KAINE. Thank you. My time is up, but I appreciate the answer. I will yield it back to the chair.

Senator SHAHEEN. Thank you, Senator Kaine. I understand that now we have Senator Young on WebEx.

Senator YOUNG. Yes, Chairwoman. Thank you so much and, welcome, Ambassador Nichols.

Ambassador Nichols, previous administrations have rightly noted that the Caribbean is, effectively, a third border with the United States. I think—at the time I served in the Marine Corps back in the 1990s as a member of a joint task force and I was operating on the southern border, working in collaboration with some other countries to deal with issues like illegal migration and drug trafficking, and, of course, at the same time, we were promoting strong trading relationships with countries in the Caribbean.

We are seeing a growing decline in democracy and governance in that region. We have seen instability in Haiti lead to migration and persons descending on our own borders and fleeing chaos.

We have seen authoritarian governments throughout the area, Cuba in particular, that has continued its subversive activities. Then migration has destabilized many countries as populations have fled economic stagnation and uncertainty.

So, Mr. Ambassador, I just want to know how does the Administration view the Caribbean? Do you see it as a sort of sea-based third border with the United States?

Mr. NICHOLS. Thank you, Senator, and I would just note that the Caribbean is a crucial partner for us in a crucial region, one where we need to stay engaged.

The Bahamas is only 41 miles away from the United States, and when we look throughout the Caribbean region we see countries that want opportunities, want to partner with us, face substantial challenges, and our engagement, our support, those things are going to be crucial for them to resist the pressures that they are under, both economic and political.

Senator YOUNG. To what extent does ongoing drug trafficking in the Caribbean and the Northern Triangle countries undermine our democracy promotion programs?

Mr. NICHOLS. It is a major challenge. I do not know if my colleague, Ambassador Robinson, wants to add to that.

Mr. ROBINSON. Absolutely. We know that drug traffickers use the same routes that they are moving people, that they are moving guns, that they are moving money, they move drugs, and so we see it as a significant challenge for us and a threat to our national security.

We have, fortunately, a very good relationship with the governments in the Caribbean and work very closely with them on training and equipment to help them help us target those routes and to try to keep the drugs from reaching our shores.

Senator YOUNG. Thank you, Ambassador.

Ambassador Nichols, I know some of my colleagues have asked questions pertaining to China and how they are seeking to undermine democracy in Latin America. This was covered extensively by this year's report from the U.S.-China Economic and Security Review Commission.

Do you believe the U.S. has the capability to counter China's efforts to undermine democracy in Latin America? If not, what else do we need so that we might counter China's efforts—what we feel is appropriate?

Mr. NICHOLS. I think we do have that capability, Senator, but we need to use all the tools available to us. I think the Development Finance Corporation is an important tool that gives us the ability to support private sector-led growth in the region.

The COVAX consortium and our efforts to supply COVID vaccines to countries in the region is vital. Our presence in the region is crucial in my travels and meetings with over 20 foreign ministers and governments since I have taken on my duties.

Senator YOUNG. Mr. Ambassador—I just regret my time is very limited here—does the Administration have a strategic policy laid out for countering China in the region? You have just gone through a list. Is there actually a written strategy?

Mr. NICHOLS. We are working both within the State Department and the interagency to sharpen our strategy for the region and it is an ongoing process within the department. Deputy Secretary Sherman is leading that effort.

Senator YOUNG. Will that be a written work product which you can share to me and other members of the committee?

Mr. NICHOLS. Yes.

Senator YOUNG. Okay. We will follow up and receive a time frame for that, unless you want to volunteer it to me.

The CHAIRMAN [presiding]. Senator Shaheen.

Senator SHAHEEN. Thank you, Mr. Chairman, and thank you both for being here today and for your ongoing good work.

Ambassador Robinson, I would like to begin with you because New Hampshire, like Ohio, has a very difficult problem with substance misuse, and as I hear from law enforcement and our DEA agents, the majority of those drugs are coming across our southern border from Mexico.

So I wonder, just to follow up on Senator Portman's question, what specifically are we doing with Mexico to try and address this problem? Because whatever we have been doing has not been working.

Mr. ROBINSON. Thank you, Senator, and I agree with you. There is nothing more heartbreaking than what drugs like fentanyl is doing to our communities across the United States.

I was just in Mexico, along with my colleague, Brian, for negotiations at the High-Level Security Dialogue. We work very closely with the Government of Mexico. They have agreed with us on a number—on an accord that lists a number of things that we are going to do, including greater cooperation on intel exchange, working more closely within the interagency, with our partners in the interagency, the FBI, DEA. They have just agreed to more visas for DEA agents in Mexico.

I think one of aspects that we miss that is not as public is the great work we do—we, INL, and the interagency—with the state and local Mexican—state and local governments in Mexico.

They clamor for greater opportunities to cooperate and collaborate with us on security issues, on equipment, on training. We are trying to keep up with the demand.

The only—the last thing I would say is we have some work to do at home on this issue as well. If we cannot get a handle on the demand side for these drugs—

Senator SHAHEEN. Clearly, I, certainly—you do not have to argue that with me. I would, certainly, agree with that, and we are working hard in New Hampshire and I know in other states to try and address that. Thank you very much.

Assistant Secretary Nichols, as a region, Latin America has among the highest rates of violence against women and girls in the world. This has been exacerbated by the COVID-19 pandemic and, of course, it has been exacerbated in Venezuela where we have seen women and girls flee that country and be subject to sexual assault and other means of gender-based violence.

Can you talk about what the Administration's policy is to help support Venezuelan women and girls?

Mr. NICHOLS. Our goal is to combat sexual and gender-based violence throughout the hemisphere, but migrants and, particularly, Venezuelan migrants are exceptionally vulnerable to gender-based violence.

We work to provide training to first responders. We partner with international organizations like the International Organization for Migration and the U.N. High Commission for Refugees to provide support to combat gender-based violence.

We fund shelters along the migrant route as well as in a variety of countries in the hemisphere. We work with gender champions, and when I was ambassador to Peru I was very honored to work with Arlette Contreras, who won our International Woman of Courage Award while I was there.

Senator SHAHEEN. Thank you. Obviously, we have more work to do, but can you speak to the challenges that we face because we do not have ambassadors in a number of Latin American countries and what that means for our ability to enact foreign policy that is in the best interests of American citizens?

Mr. NICHOLS. An ambassador is crucial. They are the President's personal representative. They can deliver tough messages that no one else can.

They are our highest ranking officers who have a level of understanding and discernment that informs Washington policymaking and their presence also signifies the importance of the relationship. While not having an ambassador should not be seen as a slight, that is often how it is perceived.

Senator SHAHEEN. Something that we, certainly, need to do everything we can to move forward in Congress. I would just like to point out I had a recent case in my office where a New Hampshire citizen's daughter was in the hospital.

She was having real issues with the hospital, and after they got a call from the embassy, the attitude in the hospital and the treatment of that family changed dramatically.

It is that kind of difference that our embassies and our ambassadors make in countries not only in Latin America, but around the world. Hopefully, we can get these people confirmed.

Thank you, Mr. Chairman.  
The CHAIRMAN. Thank you.  
Senator Hagerty.

Senator HAGERTY. Thank you, Mr. Chairman.

Assistant Secretary Nichols, it is good to see you again.

During your nomination hearing in May, you committed to working with me and this committee to curb illegal immigration and to address the root causes of this ongoing border crisis.

I want to first ask you just a couple of basic questions. Yes or no answers will be fine. First, do you agree that to solve the border crisis the United States needs policies and diplomatic agreements to discourage illegal immigration?

Mr. NICHOLS. Yes.

Senator HAGERTY. My second question, do you agree that making it easier to cross the border and remain in the United States tends to encourage people to come here illegally, all else being equal?

Mr. NICHOLS. We should encourage orderly legal migration—

Senator HAGERTY. I agree with you.

Mr. NICHOLS. —while combating irregular migration.

Senator HAGERTY. I agree with you on that.

In May of 2021, I traveled to Guatemala and Mexico to meet with government officials about long-term strategies to address the border crisis. These officials told me that the key root cause of the crisis is that the Biden administration is sending a message that if you cross the border right now you will be allowed to stay in the United States.

This message is being sent because the Biden administration canceled common sense policies like the migrant protection protocols, the remain in Mexico policy, policies and diplomatic agreements with Mexico that were hard negotiated by the previous administration.

These policies require that persons crossing the border from Mexico and seeking asylum in the United States, rather, should remain in Mexico and not be released into the United States while their asylum claims are being adjudicated. This policy made sense to me and, I think, to many others.

We should not allow people who do not have valid asylum claims to enter the United States for any period of time, and if a migrant knows that simply by crossing the border he or she can achieve indefinite release into the United States, often for years before their asylum claim is heard or permanently if they simply decide not to show up, then that is an enormous incentive to cross the border right now.

Yet, despite court orders to the contrary, the Biden administration is still trying to terminate these policies and these diplomatic agreements that were so hard fought.

So, Ambassador Nichols, why, in the face of record illegal immigration, is the Biden administration terminating policies and diplomatic agreements that would otherwise serve to reduce migrants' incentive to illegally cross the border?

Mr. NICHOLS. The migrant protection protocols is subject to ongoing litigation. The Administration is committed to following the law and court orders. I cannot get into this in greater detail due to that ongoing litigation.

I will note that our cooperation with Mexico on the full range of migration issues is excellent. The first trip that I took was to Haiti

and, among other things, I talked to the Prime Minister about migration issues.

I accompanied Secretary Blinken to Colombia where we had a regional migration conference to address illegal irregular migration to deal with issues related to the root causes, to promote regular migration, to attack trafficking networks, and we are committed to following up and pushing on these issues every day.

Senator HAGERTY. I have got it. I appreciate the meetings and the conferences, but I will note this. The Biden administration is actually trying to undo these diplomatic agreements that were put in place and were working.

I think it is very simple. Obey the law. That is what the Fifth Circuit has suggested. That is the proper answer here.

Ambassador Robinson, I would like to turn to you, if I might. The fentanyl problem that is plaguing the United States is getting worse. We have talked about this—Senator Shaheen, Senator Portman.

In Tennessee, overdose rates for individuals who are aged 25 to 34 have skyrocketed from 4.8 per 100,000 in 2015 to 37.6 per 100,000 in 2019, and every time I am home, I hear from local sheriffs that it has gotten much worse this year.

Memphis' Commercial Appeal, our large newspaper in our state, a few days ago interviewed Tennessee's former opioid czar and he said, "I cannot remember the last time I have looked at a drug screening of a new patient coming off the street that did not have fentanyl in it."

Mexico is the major transit and production point for fentanyl, the fentanyl that is coming from China before it enters the United States.

While direct shipments of finished fentanyl from China to the U.S. have declined after the Trump administration's crackdown, the amount of fentanyl shipped from Mexico has increased dramatically, and I have been told that more than 90 percent of that fentanyl crossing the border or at least the chemicals that are used to make it—the precursors—comes from China. I mean, these drugs are killing Americans.

Assistant Secretary Robinson, what percentage of fentanyl coming across our border ultimately originates in China, including the precursor chemicals?

Mr. ROBINSON. I would say a great percentage. I do not have a specific number, but I would say a great percentage comes from China.

Senator HAGERTY. I will ask both Ambassador Nichols and Ambassador Robinson if you would commit to putting together an estimate for me and for this committee how much of this fentanyl coming from China—what percentage of it is coming from China, whether it is precursor or actual fentanyl, coming across the border into America annually and how much of it specifically can be traced to China.

Thank you. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Van Hollen.

Senator VAN HOLLEN. Thank you, Mr. Chairman. Thank you both for your testimony and for your service.

Secretary Robinson, a question with respect to Haiti. I understand you had a trip there recently and, as you know, it is a desperate situation.

As I understand it, right now gangs control about half of Port-au-Prince, hijacking fuel, kidnapping people for ransom. Senator Portman mentioned the 17 U.S. and Canadian missionaries that were abducted, 15 who are still being held.

What is your proposal as to what the United States can and should be doing right now with respect to the situation in Haiti?

Mr. ROBINSON. Thank you, Senator, for that question. Very, very important.

As you noted, I was there 2 weeks ago, I think. I had an opportunity to meet with the prime minister, Prime Minister Henry, the acting Minister of Justice, and the new Director General of the Police.

We have also sent advisors down to assess the situation and look at mid- to long-term actions we can take in terms of advising on setting up a new SWAT unit that will directly go after gang leaders for prosecution either in Haiti or in the United States.

It is, as you know, much more complicated than that. There are political parties, there are political and economic elites that support these gangs. We know this.

We are trying to track the money and we are going to use every punitive measure we have to go after the elites that are supporting these gangs and to go after the money of these gangs.

Senator VAN HOLLEN. That raises a question. As you point out, a lot of the elites are supporting the gangs. Is there a risk of a coup, essentially, led by the gangs with the support of the elites and what measures are we taking to try to prevent that?

Mr. ROBINSON. I do not know if there is a risk of—what I should say is there are many risks in Haiti today. After the assassination of the president, certainly, anything is possible.

We believe that if we continue to work with the current government officials, certainly, the current—the new director general of the police, if we can train them, if we can equip them, if we can give them the foundation they need to go after these gangs we will lessen many of those risks.

Senator VAN HOLLEN. I appreciate that.

Secretary Nichols, there was an alarming poll in *The Economist* by a reputable polling organization that showed a big drop in the percentage of Latin Americans who believe democracy is important to their future. It said 49 percent, so just less than half of the population.

You see a number of trends in the region where people are sort of cracking down or preventing independent judiciary and a number of other concerning developments. In the case of Brazil, you have the current president, who has, essentially, stated that he will either be killed or he will win in the next election, and there has been concern expressed about whether or not the elections next year will be free and fair and accurately counted.

Can you talk a little bit about your assessment of the situation in Brazil?

Mr. NICHOLS. Brazil is an important partner. It is a country with whom we have robust dialogue and exchange. National Security

Adviser Sullivan has been there. Their national security adviser has visited us.

We will have a number of high-level visits and engagements early in the New Year, Omicron variant permitting, and one of the topics that we discussed is democracy in the hemisphere and the importance of jointly working to continue to build democracy in our hemisphere.

We stress that we have seen challenges in our own nation, as you well know, Senator, and they need to take steps to ensure that their institutions can meet any tests that are put before them.

Senator VAN HOLLEN. Just very briefly, Mr. Chairman.

With respect to the elections next year, do you expect them to be conducted in a free and fair manner or do you have concerns as of the present moment?

Mr. NICHOLS. I believe that they will be conducted in a free and fair manner and I believe that Brazil's institutions will meet the test. Every nation—and, again, we have seen this in our own country—every nation has to strengthen its institutions because they are not only weakened by cynicism and corruption on the inside, in many cases, but they are also being attacked from outside our hemisphere very actively and we need to be cognizant of that.

Senator VAN HOLLEN. Thank you. Appreciate it. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Cruz.

Senator CRUZ. Thank you, Mr. Chairman. Gentlemen, welcome. Thank you for your testimony.

Mr. Nichols, I would like to start with Mexico. I am increasingly concerned that the Mexican Government is engaged in a systematic campaign to undermine American companies and especially American energy companies that have invested in our shared prosperity and in the future of the Mexican people and economy.

Over the past 5 months, Mexican regulators have shut down three privately-owned fuel storage terminals. Among those, they shut down a fuel terminal in Tuxpan which is run by an American company based in Texas and which transports fuel on ships owned by American companies.

This is a pattern of sustained discrimination against American companies and I worry that the Mexican Government's ultimate aim is to roll back the country's historic 2013 energy sector liberalization reforms in favor of Mexico's mismanaged and failing state-owned energy companies.

The only way the Mexican Government is going to slow and reverse their campaign is if the United States Government conveys clearly and candidly that their efforts pose a serious threat to our relationship and to our shared economic interests.

I hope that the Biden administration is willing to do that and I want to ask you some questions about that specifically.

What leverage do you believe the United States Government has and what leverage should we use to secure a course correction in Mexico's behavior?

Mr. NICHOLS. We have an incredibly complex and rich relationship with Mexico. We have a structure for that relationship under the USMCA and the integration of our energy markets in North America and our supply chains in North America is critical.

We are Mexico's largest trading partner, and thousands and thousands of Americans and Mexicans cross the border every day as part of that relationship.

Senator CRUZ. How concerned are you about the Mexican Government's behavior and, in particular, their targeting of American companies?

Mr. NICHOLS. I do not believe that the Mexican Government is targeting American companies. I think the other point that you made about consolidating the energy sector in public hands rather than private hands is more the issue because they are not—

Senator CRUZ. So you believe they are targeting just all private energy companies, Mexican and American?

Mr. NICHOLS. Yes. Yes.

Senator CRUZ. Is that a good thing for America? Is that a good thing for Mexico?

Mr. NICHOLS. I believe that we need to talk in a comprehensive way with our Mexican partners about the importance of energy security and how the private sector is vital to maintaining energy security for the Americas.

Senator CRUZ. Let me try again, Mr. Nichols.

In your judgment, would Mexico destroying the private energy sector in Mexico and nationalizing or throwing out American companies and moving everything to the corrupt and failing state-owned energy companies, would that be a good thing for Mexico and would that be a good thing for America?

Mr. NICHOLS. It is important that we talk to Mexico about a future of reliable energy, a future where our energy markets can remain integrated, where the private sector plays a leading role, particularly in working together to achieve a role—

Senator CRUZ. I have to say, Mr. Nichols, that your answer is discouraging because if you are not willing to tell me candidly that Mexico nationalizing energy and targeting American companies is a bad thing, then I have even less confidence that you are willing to convey that to Mexico.

Let me shift to another country, Colombia. This morning, the Biden administration removed the FARC—the Revolutionary Armed Forces of Colombia—from the list of foreign terrorist organizations.

The FARC is an organization of Marxist-Leninist narco terrorists. For decades, they have killed, they have kidnapped, they have extorted Colombians. They have murdered and seized American citizens. They continue to pose an acute threat to Colombian security and to American interests across the region.

This is, sadly, a part of a pattern of Biden foreign policy when it comes to dealing with terrorists and it is a pattern of appeasement and weakness towards terrorists.

It is a pattern we have seen with the Taliban and the absolute disaster in Afghanistan. It is a pattern we have seen with the Houthis in Yemen where, again, the Biden administration lifted sanctions on them, and it is a pattern that has led to disaster.

Given that appeasement did not work with the Houthis in Yemen, given that it did not work with the Taliban in Afghanistan, why does the Administration believe that weakness and appeasement and delisting the FARC as terrorists will produce anything

but terrible results in Colombia? What makes you think weakness towards these terrorists is going to be successful?

Mr. NICHOLS. Thank you, Senator.

The Administration is focused on the current terror threat. We designated the FARC-EP and the Segunda Marquetalia, the two active elements that are carrying out terrorist attacks.

We continue to have a \$10 million reward for alias Ivan Marquez, the head of the Segunda Marquetalia. We are focusing on supporting the peace process 5 years in and those elements of the prior FARC.

Senator CRUZ. Okay. A final question because my time has expired. If and when the FARC responds to being delisted with more violence and more terrorism, will you commit to coming before this committee and admitting that it was a mistake to pretend they were not terrorists and it was a mistake for President Biden to delist them today?

Mr. NICHOLS. I am always available to appear before this committee.

The CHAIRMAN. Thank you very much.

Senator Merkley.

Senator MERKLEY. Thank you, Mr. Chairman, and Ambassador Nichols, thank you for your service.

I particularly want to focus on Honduras. We have the early returns favoring the Libre Party and the woman who ran against corruption. Many people see this as a referendum on corruption in Honduras, but there is a lot of concern that yesterday the counting was suspended for 10 hours and that the counting is not disclosed for the National Assembly, their congress. We know this is a nation that has had military coups in the past, including Ms. Castro's husband, who was ousted by a coup in 2009.

There is an opportunity here, an incredible opportunity, that the United States has to seize it with both hands and to send a powerful message that no military coup will be tolerated because one could happen a week from now.

The power elites are deeply entrenched. The corruption extends to the mayors, the legislators, the police, the military, all the way down. No one should underestimate how difficult it is when this type of corruption permeates every level of authority in the country right down to gangs that control the street vendors.

It is a possibility, but a challenging moment, and I would just like to hear what measures the State Department is taking to make sure: A, there is not a military coup; second, that the counting is completed in an honest fashion; third, that there is not shenanigans that occur with the National Assembly trying to undermine her ability to get anything done.

I must say I am impressed that she campaigned on restoring the international corruption investigators, MACCIH, which was the team that started to finally tackle corruption at its highest levels in Honduras and that the previous president and his allies shut down.

She is promising to bring them back. She is promising to address inequality that is at the foundation of the deep desperation of millions of Hondurans and that helps drive migration, and when

President Biden's team talks about root causes, therefore, she is talking about root causes.

So what are we going to do to make the most of this rare moment of a promising opportunity?

Mr. NICHOLS. Thank you, Senator.

This time last week I was in Honduras. I met with Xiomara Castro and Tito Asfura, had meetings with the Foreign Minister, the Public Security Minister, Defense Minister, Chief of Defense. I talked about the importance of free, fair, transparent elections, and the importance of a peaceful process where everyone respects the outcome.

I met with the National Electoral Council, talked about their vital role in ensuring a free, fair, transparent, and peaceful process.

Following my meetings with them, both of the leading candidates put out statements reiterating their commitment to respect the results and encouraging their supporters to remain patient and peaceful throughout that process.

We have embassy observers on the ground in Honduras who also partnered with the Organization of American States and there was an EU electoral observation mission. Through USAID we supported the civil society broad umbrella effort to observe the elections.

There are observers who are with the Electoral Council taking a look at the actual vote-counting process. There were, as I think you noted, some technical issues in the vote count process, but there are international observers at every stage looking at how that is working. The—

Senator MERKLEY. Let me cut to the chase here because those conversations were fine and good. I am glad you sent those messages.

Are we conveying that there will be significant powerful consequences if there is a military coup or if the voting count is suspended or corrupted in some form here at the last moment, to try to give a new assembly and a new president a real chance to enact reforms? If so, what is that message we are sending, if you are free to share?

Mr. NICHOLS. Again, in my conversations with the leading officials, including the Defense Minister, the Foreign Minister, the Chief of Defense and the Minister of Public Security, they reiterated to me their commitment to free, fair elections and respecting the result.

If there were some violation of that commitment that would be unacceptable, and we have the Inter-American Democratic Charter, we have the Organization of American States, and we have ample confidence that all parties are going to respect this outcome.

Senator MERKLEY. Okay. My time is up. I will just conclude by noting that people always give assurances until the moment a military coup starts or the counting is suspended and not resumed.

I am specifically encouraging that we send a very strong message that there will be concrete consequences should this fail to happen, which is different than a positive—just a positive encouragement, because we have seen this go off the rails many times before and we should be absolutely there accelerating the return of the international investigators that she has called for as soon as she is in office.

I hope the National Assembly will be one that she can work with. If not, none of her reforms will be able to move through.

It is extraordinarily frustrating to see how the corruption has infiltrated throughout every level, again, clear down to the street level, and how difficult it is to reform, and all of our root causes strategy will not work when a society operates on that complete 100 percent corruption from top to bottom.

The CHAIRMAN. Thank you.

Senator Booker is with us virtually.

Senator BOOKER. Thank you, Chairman Menendez. I appreciate both Mr. Nichols and Mr. Robinson being here. I want to jump right in.

I know this issue was discussed a little bit earlier, but I would like to get back to it. Reports really suggest that both China and Russia are engaging in an active propaganda and disinformation campaign in Latin America, as they are doing in other parts of the world, obviously, but China and Russia have really sought to undermine the democratic values and damage the overall reputation of the United States.

So I am wondering what is the State Department's Global Engagement Center doing to counter the Chinese and Russian government's disinformation in Latin America and the Caribbean, and what more could the GEC do in the future?

Mr. NICHOLS. Thank you, Senator.

Our focus is ensuring that, one, we identify where the negative messaging trolls are coming from, that we work with friendly governments to alert them to what the realities are, that we actively message the reality of the situations that we are facing, that we have very direct and comprehensive conversations with governments in the region as well as civil society and publics about the realities of what the presence of PRC, Russia, others, in the region, and we need to also offer a positive alternative.

Whether it is 5G technology or whether it is support for infrastructure projects, we are actively working to make sure that countries know that there are alternatives available to them and that we will work with them to put together a package that works for their nation.

Senator BOOKER. Mr. Nichols, could you just be a little more specific about the tactics of the GEC? What are some of the specific activities they are doing and what more would you like to see them do?

Mr. NICHOLS. The Global Engagement Center both measures public opinion and social media trends throughout the world. They actively work to counter false messages from our strategic competitors and they prepare media products or talking points that our embassies and consulates around the hemisphere can use to combat disinformation.

I think they do a great job. Obviously, it is a huge task. The resources that they have to bring to bear to this limit somewhat the ability to accomplish those goals, but I think they are doing vital, vital work.

Senator BOOKER. Just jumping really quick to Haiti—and I heard at least one of my colleagues bring up the severe issues that are going on there—we are in a state of extreme crisis and the democ-

racy there is really faltering as violence is sort of almost at pandemic levels throughout the country, not to mention the challenges with the natural disasters that they—that we have seen there.

I just want to know maybe overall, what is your sense of hope in Haiti and how effective is the U.S. strategy there in countering some of these both natural disasters as well as the faltering of the democracy and the endemic violence?

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

The situation in Haiti is a critical challenge for our hemisphere. Haiti faces collapsed government institutions, deep political polarization, criminal and gang violence, lack of economic progress.

We are working together with our partners around the world to try and support the Haitian people at this crucial moment and to promote a Haitian-led solution to those challenges.

That promotion means our advocacy and encouragement on the ground, the leadership of our charge, Ken Merton. That involves interaction at high levels whether it be Secretary Blinken or other senior officials in Washington and collaboration with international partners like Canada, France, Brazil, to support Haiti.

Senator BOOKER. Then, lastly—I have a few seconds left—I continue to be dissatisfied with the level of diversity at the State Department, and I know there are a lot of good efforts going on to try to get more diverse and inclusive members—employees at the State Department and I, myself, have worked with other senators to try to do things from sponsoring paid internship programs and other fellowship programs.

I am curious if you have any advice for me who just—especially as I travel the globe and visit with our State Department employees, I am surprised at the lack of diversity. I wonder if you have any advice to me about what more we could be doing to promote diversity within the State Department.

Mr. NICHOLS. I think recruiting is the first crucial step. I think the Fellowship Programs Rangel and Pickering are vitally important. I think retention is crucial and in our bureau we have several parallel programs to support retention of a diverse workforce.

We have a Senior Foreign Service officer who actually led the department's recruitment efforts, Marianne Scott, who leads our diversity, equity, and inclusion efforts from the front office and works not only to support that in Washington, but also in all of our embassies and consulates around the world.

I think if you talk about the importance of diversity and inclusion, when you visit our embassies and with foreign partners, I think that definitely helps and I hope that you will support our recruiting efforts in universities and colleges around America.

Senator BOOKER. Thank you, Mr. Nichols.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Markey.

Senator MARKEY. Thank you, Mr. Chairman, and to you, Ambassador Nichols, just want to talk about—in following up on Senator Booker's questioning on Haiti, just want to make sure that the actions which we are taking in Haiti are not solidifying opportunists over the interests of the Haitian people.

I saw where you met with representatives of the Montana Group made up of Haitian citizens and civil society leaders in late September. What were your takeaways from that meeting in terms of how the United States should move forward with an inclusive Haitian-led focused policy?

Mr. NICHOLS. My number-one takeaways are—number one was the importance of security. We need better security be able to get to free and fair elections in Haiti, and we are a long way away from that. The role of civil society in its broadest construct—private sector, nongovernmental organizations—is vital, and bringing together a broad set of actors to agree on a way forward without an artificially imposed time line from the international community is also vital. Those would be my main takeaways, sir.

Senator MARKEY. Okay. I just urge you to continue to reach out to those civil society leaders in Haiti because, ultimately, they have the vision which is going to be necessary to just change this underlying historical dynamic which exists there.

Thank you for your good work, but let us just continue to focus on that community of leaders who are risking their lives every day to try to provide the long-term vision for what has to happen there.

Mr. NICHOLS. Absolutely.

Senator MARKEY. On the subject of—yes, sir?

Mr. NICHOLS. Just absolutely, Senator.

Senator MARKEY. Yes, thank you. On the subject of climate change, the science is clear on the fact that climate change is an underlying driver of widespread humanitarian crisis and displacement throughout Latin America and the Caribbean.

Therefore, I reintroduced legislation this year that aims to create a U.S. resettlement pathway for climate-displaced persons, given the United States bears an outsized responsibility for fueling global warming. Still, the majority of the CO<sub>2</sub> is red, white, and blue after 200 years of leading the Industrial Revolution.

I was glad to hear that in response to my persistent calls for action on this topic there is now a National Security Council Interagency Working Group aimed at finding solutions to issues of climate migration.

Do either of you have anything more you can share on the progress of this Interagency Working Group and what potential solutions might be offered?

Mr. NICHOLS. Thank you, Senator.

I have not participated directly in that specific conversation, but I can tell you that climate change and its effects on the countries in our hemisphere is a central concern that I have.

I had the pleasure of participating with Vice President Harris in her meeting with Prime Minister Mia Mottley of Barbados and that was a key topic in that conversation.

We are integrating climate issues into all of our diplomatic engagement throughout the hemisphere and we are actively focused on mitigation measures for those states most at risk as well as adaptation, particularly in the energy sector.

Senator MARKEY. I would urge you to continue to stay very engaged on this very important issue. We have to tackle the issues of climate resiliency and solutions for climate-displaced persons, which is just going to increase as each year goes by, and if we are

doing that we are actually working on one of the underlying drivers of mass migration coming out of Latin America, coming out of the Caribbean.

I just urge you to continue to elevate it as an issue, to drive it at the National Security Council as an issue that has to be addressed and factored into all of the resultant issues that are a consequence of our long-term ignoring of the climate crisis.

Mr. NICHOLS. Absolutely, Senator.

Mr. ROBINSON. Senator, I would just add, it is even broader than that. The environmental degradation from narcotics trafficking throughout the region is also a major problem and we are both working very closely with our partners in the region.

We have seen the effects of illegal mining. We have seen the effects of runoff from waste from drug trafficking or drug production areas in Mexico and in Colombia, and we are working to raise that as well.

Senator MARKEY. Thank you. Thank you both for your great work. Thank you.

The CHAIRMAN. Thank you.

Let me have some final closing questions. Let me start off with Haiti. A lot has been discussed here, but here is the one thing I do not understand.

Haiti, obviously, is a challenge, number one, because of the suffering of the Haitian people by both natural and manmade disasters. It is destabilizing to its neighbor that it shares the island of Hispaniola with, the Dominican Republic.

One is facing the challenges that the Haitian citizens are facing. Fleeing the island is, clearly, may be a desirable alternative. That means migration to—in the hemisphere and to the United States.

These are real tangible challenges we are facing right now. I have heard your answers about our overall goal of a Haitian-led democratic process. I share that, but when Doctors Without Borders are closing up because they cannot get fuel to operate their circumstances, when I am getting calls from orphanages that American sponsors who wants to close up the orphanages and bring the children to the United States because they cannot secure them, when people are sequestered and kidnapped, it seems to me that none of that can happen in terms of our aspirations for Haiti unless there is security.

What is our initiative to try to create some semblance of security so that all these other things can happen?

Mr. ROBINSON. Thank you, Senator. That is a great question.

As I mentioned before, it is a complicated issue. We, INL, are working very closely with the Haitian National Police, the new Director General. We are going to send in advisors.

When I was there 2 weeks ago, I arrived with—they had asked for greater ability to get police around the city. I showed up with 19 new vehicles, 200 new protective vests for the police. We are—the 19 was the first installment of a total of 60 that we are going to deliver to the Haitian National Police.

We are going to get advisors down there to work with the new SWAT team to start taking back the areas that have been taken from ordinary Haitians, but it is going to be a process and it is going to take some time.

The CHAIRMAN. First of all, is the Haitian National Police actually an institution capable of delivering the type of security that Haitians deserve?

Mr. ROBINSON. We believe it is. It is an institution that we have worked with in the past. There was a small brief moment where Haitians actually acknowledged that the Haitian National Police have gotten better and was more professional.

Our goal—our long-term goal is to try to bring it back to that—

The CHAIRMAN. How much time before we get security on the ground?

Mr. ROBINSON. I cannot say exactly, but we are working as fast as we can.

The CHAIRMAN. Months? Years?

Mr. ROBINSON. I would hope we could do it in less than months, but we are working as fast as we can.

The CHAIRMAN. Here is the problem. I do not understand why there is a reticence to, for example, seek U.N. action to try to create stability because nothing else—when the gangs control the ports and everything you try to get to the Haitian people are stopped at the ports because the gangs control it, something is wrong.

How do you do all the things we want to do to help the Haitian people if, at the end of the day, you cannot get through the gangs?

Mr. ROBINSON. We are absolutely going to need—as you rightly point out, we are absolutely going to need the help of international organizations. We were a little bit stymied in this just recently when we tried to extend the mandate of the current group of police advisors.

We wanted to get them extended for a year, but we were blocked by Russia and China and they were only able to be extended for 9 months. It is going to take a collective effort.

The CHAIRMAN. Why do you think Russia and China sought this? Because they want total unrest in the hemisphere. Their whole purpose in this hemisphere is creating instability, is to move people to a point of saying democracy does not work. Let me try something else, authoritarianism.

Mr. ROBINSON. Absolutely.

The CHAIRMAN. They systematically work at it. At some point, we have to think about how we circumvent that. Let me turn to something else.

Secretary Nichols, in the Trafficking in Persons Report that the State Department put out, Cuban doctors were listed as among a group of people who were trafficked. Is that correct?

Mr. NICHOLS. That is correct.

The CHAIRMAN. When an entity like PAHO, the Pan American Health Organization, uses Cuban doctors in a way that allows them to be trafficked, should not we be doing something to change that at PAHO?

Mr. NICHOLS. We have had strong conversations with the leadership of PAHO about the unacceptable nature of that relationship. We have talked about the importance of better governance and oversight within that organization and that in order for us to work with PAHO we need to be assured that something like that can never be repeated.

The CHAIRMAN. They are continued, though. For example, right now, Cuban doctors are being used inside of Mexico in a way in which they are being trafficked. I understand that trafficking in persons by a country, ultimately, is a violation of the USMCA.

Mr. NICHOLS. We talk to all countries about the reality of the Cuban medical missions program and that it is a massive trafficking risk, and we encourage countries to avoid it. It is an abuse of the Cuban people and it is a misguided attempt to provide health care in the country.

The CHAIRMAN. When a country engages in it knowing that, then there has to be some type of consequence. I mean, for those who might be viewing and do not understand what we are talking about, Cuba sends doctors to different countries in the world.

They, ultimately—those countries pay the Cuban Government for the service of those doctors. Those doctors get a fraction of their wages and their passports are taken away so they cannot leave.

That is human trafficking and it is being done right here in our hemisphere with international organizations like PAHO and done with countries who, supposedly, we have a relationship with like Mexico, and there has to be consequences to it or else we are complicit in the trafficking.

Let me ask you, with reference to Nicaragua and El Salvador, Secretary Nichols, we can agree that in the case of Nicaragua, we have a new dictatorship arising and in the case of El Salvador, we have dramatic backsliding in democracy. Is that a fair statement?

Mr. NICHOLS. Yes.

The CHAIRMAN. Both of them are part of DR-CAFTA. Should we be considering suspending them as a action that is a strong action to be taken so that we can, hopefully, turn the tide?

Mr. NICHOLS. I think we should be thinking about all the tools that we have available to us. There is an urgency to demonstrate to countries in the region that actions have consequences.

The ability of countries to flaunt their own constitutions, their own laws, to abuse their own citizens, is a huge problem when we should use every tool available to—

The CHAIRMAN. I think that whatever the tools—one of the strongest tools you can do is take away trade preferences. When we entered DR-CAFTA, it was not with countries that were moving in the opposite direction from democracy. They were moving towards democracy.

They were moving towards a respect for human rights. They were moving towards a respect for the rule of law. They should not be able to benefit from trade preferences when they go in the opposite direction. That is a strong action the Administration can take and I recommend it to them.

Let me ask Secretary Robinson, while the United States has traditionally stood with principled activists and public officials that seek to reverse democratic backsliding, combat kleptocracy, and uphold the rule of law, those courageous individuals often face significant threats as a result of their work.

Far too often these individuals are forced to flee their countries when the situation becomes untenable or when they finish their term in office.

I know you are familiar with these dynamics. What more does the United States need to do to support those individuals who stand against efforts to undermine democratic governance?

How can we address the challenge, for example, in Central American countries where the problem is particularly acute?

Mr. ROBINSON. Thank you, Senator. That is a really important question.

I would say we need to look at a basket of ways that we can support and defend democracy in Central America and, frankly, throughout the region. We need to continue to use all of our sanctions authorities and vigorously use our sanctions authorities.

We need to continue to work with those governments to shore up their democratic institutions, independent attorneys-general, judiciaries, the courts, prosecutors. We need to continue to work very closely with these with these organizations.

We need to find more flexible and creative ways to support civil society and independent media in country so that they do not—it is not easy to make them flee when they stand up and do the right thing for democracy, for investigating corrupt acts, and I look forward to working with you all on finding these flexible and creative ways to do that.

I would say the last thing we need to do is we need to be more vigorous on protecting and offering a safe haven for those who do have to flee. It is a cumbersome process now. It is very hard.

There are four courageous people, at least four courageous people, from Guatemala that are being hosted here. There are probably others from the region. It was hard to get them here and, again, I look forward to working with you all to figure out better ways, more efficient ways, that we can offer some semblance of safety.

The CHAIRMAN. We, certainly, want to work with you on that and other issues. Let me just say, though, when the corruption fighter has to leave the country there is one less person to try to create change.

Mr. ROBINSON. Absolutely.

The CHAIRMAN. So at the end of the day, we have to find ways to strengthen their hand, to create international spotlights on what they are doing, to make it more difficult for regimes to threaten them and, ultimately, cause them to leave because for them, for the regime, that is, ultimately, a success story, right? This person leaves. Now there is one less person to try to create change in the country.

Mr. ROBINSON. Senator, I would also add that we saw the model that worked. I cannot remember who mentioned it, but I think it was Senator Merkley mentioned MACCIH in Honduras.

We had international organizations in some of these countries that were working and the reason they are not there now is because they touched people in those countries in power who had never been touched before, and I think if we can look at that again we might have some more success.

The CHAIRMAN. Finally, Secretary Nichols, where did the idea for delisting of the FARC come from?

Mr. NICHOLS. It has been something under discussion since at least the previous administration. It was always contemplated as

part of the peace accord. You may recall that when the Uribe administration reached an agreement with the AUC paramilitaries, that organization was also delisted.

The CHAIRMAN. More recently, where—who drove the question of delisting the FARC?

Mr. NICHOLS. It is—

The CHAIRMAN. Was it NSC? Was it State Department? Who was it?

Mr. NICHOLS. I believe that this was—when I arrived in the position that was already well advanced. So I cannot say who the specific driver was. It was always a component of our support for the peace process and updating the threats that we face.

The CHAIRMAN. My understanding is that what you are doing is sanctioning those who have not put their arms down and delisting those that have and are following a peaceful path to integration in their society.

This is an example of when I have pressed the question both in nominations and with the Administration about consultation versus notification, and in this particular case my notification was to *The Wall Street Journal*.

That is not what I consider consultation, and the lack of getting that type of consultation creates problems. I hope we do not relive it again.

This hearing record will remain open to the close of business tomorrow. Members who have questions will submit it by then and we would like your answers to be expeditious and as full as possible.

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

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

---

#### ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

##### RESPONSES OF MR. BRIAN A. NICHOLS AND MR. TODD ROBINSON TO QUESTIONS SUBMITTED BY SENATOR JIM RISCH

*Question.* Can you explain why the Administration has not issued a single sanction since it came to office?

*Answer.* The Biden-Harris administration has maintained a robust sanctions policy against the Maduro regime and has lifted no previously imposed sanctions. Those existing U.S. sanctions deny Maduro revenue streams that finance repression and line the pockets of regime officials; protect the U.S. financial system from exposure to corrupt and illicit financial flows; and promote accountability for those who undermine democracy, abuse human rights, or engage in corruption. We continuously assess how best to align our sanctions approaches with our policy goals and calibrate our sanctions policy to account for the political and economic context of developments on the ground.

Sanctions comprise just one part of our strategy. We also work with Venezuelan and international partners, using available diplomatic and economic tools, to support the Venezuelan people in their peaceful pursuit of democracy and freedom in Venezuela. So long as the Maduro regime and its enablers repress the Venezuelan people and divert revenue from Venezuela's resources to support repression and corrupt practices, we will work with our international partners to keep up the pressure.

*Question.* Does the Administration have a strict deadline for its support of the ongoing negotiations between some Venezuelan political parties and the Maduro regime?

*Answer.* We support the Venezuelan-led, comprehensive negotiations as a means to restore to Venezuelans the democracy that they deserve and to alleviate the suffering caused by the regime-created crisis in Venezuela. A peaceful restoration of democracy, an end to human rights abuses, and a solution to Venezuela's dire humanitarian crisis are long overdue and should remain at the forefront of the Venezuelan-led negotiation process, without externally imposed deadlines.

By suspending participation in the process, the regime has once again placed its own interests above those of Venezuelans. Alongside our partners and allies, we will continue calling on, and pressuring, Maduro to return to the negotiation table in Mexico City.

*Question.* In your opinion, are the members of the Maduro regime honest brokers to be trusted to cede power given current circumstances?

*Answer.* No. That's why the United States and others in the international community need to keep pressure on Maduro and his regime and help promote transparent, verifiable, and holistic changes under which Venezuelans themselves can establish the conditions required for free and fair elections, the best framework for a political resolution to the crisis.

We stand with all Venezuelans striving to build a better future for their country. The Maduro regime has engaged in a broad range of authoritarian tactics, including arresting and harassing political and civil society actors without justification; trying to criminalize opposition voices; committing numerous human rights abuses; manipulating voter registration rolls and the candidacies of opponents from across the political spectrum; and engaging in persistent media censorship. It lacks confidence in its own ability to face the Venezuelan people in elections free of such manipulation and its actions make clear to the world that its determination to cling to power takes precedence have persistently shown the world their nefarious intent and priorities far outweigh that over their own Venezuelan citizens.

Maduro needs to return to the Mexico negotiations as a necessary step towards improving the situation in Venezuela.

*Question.* What incentive does Maduro have in participating in the negotiation process?

*Answer.* Meaningful progress in negotiations would serve the interests of the Venezuelan people and lead the United States to review our sanctions policies. Venezuelans themselves must lead the negotiations between the Venezuelan democratic opposition and the Maduro regime. Maduro regime policies have caused Venezuela's economic struggles. The regime, through its own actions, has forfeited the trust of the Venezuelan people, Venezuela's private sector, and the international community, causing more than 6 million Venezuelans to vote with their feet and leave the country. To restore legitimacy and to end the economic crisis, Maduro and his cronies must negotiate with other Venezuelans and to return to a free and open democratic system.

*Question.* What signal does the U.S. supporting an electoral observation mission to Venezuela send to the Maduro regime which has sought to legitimize a completely fraudulent process?

*Answer.* The November elections did not meet even basic international standards. Fearful of the voice and vote of Venezuelans, the regime grossly skewed the process to predetermine the result long before any Venezuelan voter cast a ballot. Unjustified arrests and harassment of political and civil society actors, criminalization of opposition party activities, bans on candidates, manipulation of voter registration, media censorship, and other authoritarian tactics ensured the elections would not reflect the will of the Venezuelan people.

We noted the participation of international observers and experts, including from the European Union and the Carter Center. We continue urging them to call out regime abuses during this process.

*Question.* Does the Administration plan to recognize Juan Guaidó as the Interim-President after January 2022?

*Answer.* The United States continues to recognize the authority of the democratically elected 2015 National Assembly as the last remaining democratic institution and of Juan Guaidó as the interim President of Venezuela.

*Question.* In your view, why did U.S. policy and foreign assistance efforts fail to achieve electoral reforms in Nicaragua ahead of the November 2021 elections?

*Answer.* For years, the Ortega-Murillo regime has chipped away at Nicaragua's democratic institutions and consolidated all state powers in its hands with impunity. The victory in a sham election on November 7 stemmed from their full control

of all branches of government, carefully built over decades, and their desire to hold on to power at all costs. The Ortega-Murillo regime implemented the Russian model of repressing civil society and political opponents, including through the adoption of six laws between late October 2020 and early February 2021 used to limit free speech, detain individuals for up to 90 days without charges, extend criminal sentences, blunt the assistance and influence of the international community through onerous registration and extensive reporting requirements, and exclude prominent opposition leaders from the electoral process. In addition, Russian Government forces have provided training and materials to the Ortega-Murillo regime to aid its campaign of repression. Ortega and Murillo's consolidation of power and efforts to steer Nicaragua down an autocratic path did not happen overnight, and U.S. and international efforts to return Nicaragua to a democratic path will not achieve results overnight. We will demonstrate resolve and work multilaterally with like-minded partners to defend democracy and human rights in Nicaragua. We will press for the immediate and unconditional release of political prisoners and continue to work with our partners and the Nicaraguan people over the medium term to restore the democracy they deserve.

*Question.* Why has U.S. policy and foreign assistance efforts failed to meaningfully improve the capacity of recipients to effectively challenge the Ortega regime during the election?

Answer. Through the Department of State and USAID, we support Nicaraguan civil society organizations, independent media, and human rights defenders as they strive to restore democracy, rule of law, and respect for human rights. Specifically, our assistance supports Nicaraguans in their efforts to restore democratic norms and practices, supports a free and independent press, and promotes the rule of law and respect for human rights. Despite increasing harassment and intimidation by the Ortega-Murillo government, we maintain the ability to assist these Nicaraguan partners to expose the government's brutality and defiance of international law, as well as provide Nicaraguans with factual information in contrast to government propaganda. We also facilitate dialogue and consensus-building among opposition leaders in exile and the diaspora. The decision to imprison prominent potential presidential candidates and ban any genuine opposition parties from participating in the November elections demonstrates that the regime did assess the opposition's ability to pose an effective challenge to them as credible if elections were free and fair. We will continue to support Nicaraguan civil society in its efforts to restore democracy and will help the Nicaraguan exile community remain engaged with the population in Nicaragua and make its international advocacy more effective.

#### COLOMBIA / FARC

*Question.* How clear is the demarcation line between the FARC and the residual organized armed groups that sprung up after the 2016 deal between President Santos and the FARC?

Answer. New terrorist groups have emerged since the 2016 Peace Accord, including Segunda Marquetalia and Revolutionary Armed Forces of Colombia—People's Army (FARC-EP), and the Department of State announced the designation of both of these groups as foreign terrorist organizations pursuant to Section 219 of the Immigration and Nationality Act (INA) and as Specially Designated Global Terrorist (SDGT) entities under E.O. 13224, as amended, and the designations of the respective leaders of those organizations, Luciano Marín Arango, Hernán Darío Velásquez Saldarriaga, Henry Castellanos Garzón, Nestor Gregorio Vera Fernández, Miguel Santanilla Botache, and Euclides España Caicedo, as SDGTs under E.O. 13224, as amended. The Department did so based on reliable information that these groups have conducted attacks or otherwise engaged in terrorism or terrorist activity.

In accordance with the terms of the 2016 Peace Accord with the Colombian government, the Revolutionary Armed Forces of Colombia (FARC) formally dissolved and disarmed, and the group no longer exists as a unified organization that engages in terrorism or terrorist activity or has the capability or intent to do so. No reliable information indicates that the FARC has conducted attacks or otherwise engaged in terrorism or terrorist activity since the Peace Accord. We regularly evaluate whether former members of the FARC, or other individuals, conduct attacks or otherwise engage in terrorism or terrorist activity.

*Question.* The University of Notre Dame's Kroc Institute monitoring the 2016 FARC deal has consistently reported progress in its implementation, even during the height of the pandemic last year.

What specific lines of effort will be advanced by revoking FARC's terrorist designation?

**Answer.** The decision to revoke the designation does not change the posture with regards to any charges or potential charges in the United States against former leaders of the FARC, nor does it remove the stain of the decision by Colombia's Special Jurisdiction of Peace, which characterized their actions as crimes against humanity. Revocation of the FARC's FTO designation does not impact prior law enforcement actions related to the FARC's past terrorist activities and does not allow any former FARC members admissibility into the United States.

As a practical matter, the decision will allow USAID and other elements of the U.S. Embassy to evaluate whether and if so how to work with the Colombian government on peace accord implementation in areas of the country in which demobilized members of the former FARC reside, without violating U.S. law.

**Question.** The University of Notre Dame's Kroc Institute monitoring the 2016 FARC deal has consistently reported progress in its implementation, even during the height of the pandemic last year.

Did the Colombian Government request to revoke the FARC's terrorist designation?

**Answer.** The Department consulted the Government of Colombia when gathering facts as we conducted the legally mandated five-year review of the FARC's designation. In January 2020, when Colombia adopted the U.S. sanctions list, it specifically excluded the FARC from its own list. That same month, Colombia officially requested the United States designate FARC dissidents as FTOs. We also pre-notified the Colombian Government in advance of the public announcement.

**Question.** It has been estimated that the FARC had reportedly had only delivered \$12.9 million in local currency, dollars, and gold of the \$291 million it pledged to surrender by the end of 2020 for reparations to their victims.

What is the FARC doing with the funds it has failed to surrender?

**Answer.** We commend the progress of the Special Jurisdiction for Peace to identify, and hold responsible, former members of the FARC who orchestrated hostage taking and child recruitment, and some commanders of the Army who ordered, tolerated, or covered up, extrajudicial killings.

We refer you to the Government of Colombia for specific questions on reparations to victims.

**Question.** It has been estimated that the FARC had reportedly had only delivered \$12.9 million in local currency, dollars, and gold of the \$291 million it pledged to surrender by the end of 2020 for reparations to their victims.

What kind of risks would this amount of unaccounted for money pose for political stability in Colombia?

**Answer.** We commend the progress of the Special Jurisdiction for Peace to identify, and hold responsible, former members of the FARC who orchestrated hostage taking and child recruitment, and some commanders of the army who ordered, tolerated, or covered up, extrajudicial killings.

We refer you to the Government of Colombia for specific questions on reparations to victims.

**Question.** Honduran President-elect Xiomara Castro has indicated she would seek to establish formal ties with the People's Republic of China, thus altering its long-standing view towards Taiwan.

Do you agree that Chinese influence in the region is destabilizing?

**Answer.** Problematic PRC actions represent a serious challenge to U.S. interests in the region, with its growing security ties and opaque infrastructure investments that undermine transparency and sovereignty. We will continue to inform countries in the region about problematic PRC influence and coercive actions. We raise concerns about PRC infrastructure projects with inadequate labor and environmental standards, for example, which undermine workers' rights under domestic law and international labor standards and undermine environmental protections. The projects also operate under a general lack of transparency and disregard for the rule of law; carry opaque and often unsustainable loan terms; and foster public corruption in borrowing countries. In addition, we will continue to highlight the risk of using PRC's untrusted providers, as PRC law compels Chinese firms to provide its intelligence and security services with on-demand access to data, facilities, and telecommunications equipment and infrastructure. This knowledge allows local populations to better discern the sources of disinformation and PRC attempts to gain access to critical infrastructure and sensitive sectors.

*Question.* What will the Administration's efforts to counter this malign influence as well as encourage the new Honduran Government to maintain its current diplomatic relations with Taiwan?

*Answer.* The U.S. Government—through our sustained commitment to the Western Hemisphere—bolsters the region's coalition of resilient democracies that champion our shared values. We work closely with our allies and partners to lend expertise and resources toward the region's pandemic recovery, including support for greater vaccine availability, high-standard infrastructure investment, and transparent economic development. I have stressed the value of their relationship with Taiwan with Honduran officials and President-elect Castro. Taiwan remains an essential democratic partner in a region where most countries share our values. We will continue U.S. efforts to support Taiwan's diplomatic and unofficial relationships across the Western Hemisphere region, including in Honduras. Together we can support good governance, transparent investments, and economic growth together with likeminded countries.

*Question.* The Administration is exploring options to financially compensate migrants separated at the border while illegally entering our country. In your opinion, what are the chances some of those funds are channeled as payments to criminal organizations involved in human smuggling and trafficking?

*Answer.* The Department of State participates in the President's Interagency Task Force on the Reunification of Families as part of the Biden-Harris Administration's efforts to reunify families separated under the prior Administration's immigration policies. The Department of Justice leads settlement negotiations on behalf of the U.S. Government and we ask that you direct any questions related to the litigation to the Department of Justice. As part of the U.S. Government's reunification program, the Administration is looking for funding to provide services and support to the children and their families once reunited in the United States. Relevant U.S. Government agencies would oversee the Administration of these services.

*Question.* With illegal migration through the southwest U.S. border at a 21-year high, what actions will the Administration take to incentivize the governments of Mexico and northern Central America to uphold their domestic and international obligations regarding refugee and asylum seekers?

*Answer.* The Department of State continues to advance the Administration's Collaborative Migration Management Strategy and Root Causes Strategy to address irregular migration in the region. The Administration works with regional partner countries to expand pathways for safe, legal, and humane migration to the United States and other third countries, including labor opportunities, access to regional asylum programs, refugee resettlement, and family reunification.

Through international organization partners, the Department of State is supporting the Government of Mexico and Central American governments to strengthen asylum systems and build institutional responses for forced internal displacement where relevant. In October 2021, Secretary Blinken joined leaders from other regional governments to underscore the importance of responsibility sharing across the Western Hemisphere; not only to provide access to protection for those in need, but to manage unprecedented mixed migration flows humanely and effectively, including through responsible removal operations and visa regimes. U.S. Government funding is supporting Mexico to strengthen the capacity of its asylum system, including helping its refugee agency COMAR to nearly triple its annual asylum claim processing capacity since 2017.

*Question.* As INL continues its efforts to support longer-term community prevention efforts and institutional capacity building of the Haitian National Police, what will be the metrics used to evaluate the success of U.S. foreign assistance to the HNP?

*Answer.* INL is measuring the success of U.S. assistance to the HNP using several key metrics across efforts in community policing and institutional capacity building. Across a 2-year period, these metrics and other output and outcome-level measures will offer INL quantitative data on whether its assistance to the HNP is achieving its goals in providing security to Haitian citizens and preventing gangs from spreading their influence. In terms of community policing, INL is evaluating the success of its assistance to the HNP through the reduction of gang influence in the community and the public perception of the HNP as a service provider and reliable force to protect Haitian citizens. Essential metrics to measure this impact include the percentage decrease in homicides, kidnappings, and robberies in key neighborhoods and the percentage increase of individuals that see the HNP as a service provider in lieu of gangs.

In terms of institutional capacity building, INL continues to support the HNP in its efforts to become a professional and accountable institution capable of managing Haiti's internal security and dismantling gangs across the country. As INL is still developing its increased assistance to the HNP's gang reduction efforts, metrics are still being finalized but will focus on measuring the inability of gangs to threaten Haitian lives and destabilize Haiti, the HNP achieving a sufficient force strength and being properly resourced, and the sufficiency of Haiti's prison infrastructure to detain convicted prisoners securely and humanely. Specific metrics will include, for example, the total number of arrested gang members and successful anti-gang operations conducted by the HNP, the establishment of a consistent HNP recruitment schedule to increase the force, a transparent budget that ensures proper resourcing of HNP units, and on corrections the percentage reductions in both pre-trial detainees and overcrowding across Haiti's corrections system.

---

RESPONSES OF MR. TODD ROBINSON TO QUESTIONS  
SUBMITTED BY SENATOR MARCO RUBIO

*Question.* How are you and the Administration prioritizing U.S. bilateral relations with our Caribbean allies/partners?

Answer. Under the Caribbean Basin Security Initiative (CBSI), the Department of State's Bureau of International Narcotics and Law Enforcement Affairs (INL) works with 13 countries and regional security institutions to build Caribbean capacity to confront illicit trafficking and transnational organized crime, increase citizen security, and hold criminals accountable. Key bilateral engagements in the Dominican Republic include INL's work to stand up and continue to support a 911 system as well as capacity building support for specialized counternarcotics units. In The Bahamas, INL is working to build the Royal Bahamas Police Force's law enforcement and counternarcotics maritime capabilities to support Operation Bahamas, Turks and Caicos, a decades-old trilateral counternarcotics operation between the United States, The Bahamas, and Turks and Caicos. In Trinidad and Tobago and Jamaica, program efforts focus on combating gang violence and associated criminality.

INL's regional programming yields bilateral results as well. Through INL's financial crimes project, six Caribbean countries have adopted model legislation to enable the recovery of criminal proceeds, and enabled partner nations to advance civil forfeiture actions totaling more than \$2.9 million in cash and more than \$62 million in pending property seizing orders since 2015. CBSI countries directly benefit from the use of CBSI-Connect, an online law enforcement learning management platform that has proved a crucial connectivity tool throughout the COVID-19 pandemic, and INL's investments in the Regional Security System's Air Wing, Digital Forensic Lab, and police training academy.

*Question.* Since your appointment, how have you personally taken a role in enhancing law enforcement cooperation with the other nations of the Caribbean?

Answer. Since I was sworn in as Assistant Secretary on September 30, I have advanced U.S. priorities through several key Caribbean security partners. I met with the Executive Director of the Eastern Caribbean's Regional Security System (RSS), a key partner in combating maritime crime and narcotics trafficking in the region, to discuss ways to deepen and broaden our relationship. I also attended the change of command ceremony at SOUTHCOM in late October where I met with security officials from several key Caribbean partner countries. In the coming months, I intend to visit Caribbean partners and expand our diplomatic engagement in the region by participating in the tenth annual Caribbean-U.S. Security Cooperation Dialogue, scheduled to take place in early 2022 under the Caribbean Basin Security Initiative.

*Question.* What update can you share with regards to the progress of the investigation?

Answer. The United States supports a thorough, independent investigation into President Moïse's assassination consistent with both Haitian law and international rule of law standards. We want to see those who planned, funded, and carried out the assassination of former President Moïse held accountable. We refer you to the Government of Haiti on the progress of its ongoing investigation into President Moïse's assassination. We would also refer you to the FBI for additional questions.

*Question.* How else is the United States assisting Haitian law enforcement deal with gangs and rampant crime?

Answer. The Department of State, through INL, supports the development of the Haitian National Police (HNP) into a professional and accountable institution capable of managing Haiti's internal security. In addition to its steady-state support of the HNP's capacity building, INL recently reallocated an additional \$15 million to increase the HNP's community policing efforts, to establish an anti-gang task force, and to support the overcrowded and underfunded Haitian corrections system. INL priorities with this additional funding include adding five new contract subject matter expert advisors embedded in the HNP to combat gang influence and build HNP capacity in the near term; supporting the creation of a highly vetted anti-gang unit, based on the results of an INL-led security needs assessment for the HNP; sustainably reducing gang influence over the long term through a holistic, community-oriented interventions by the HNP; and procuring new vehicles and additional protective equipment for HNP specialized units. INL has already delivered 19 of 60 new unarmored vehicles to the HNP and expects to further support Haitian law enforcement needs for specialized units as anti-gang operations ramp up. INL will continue to provide ongoing support to build the HNP into an accountable and professional organization and to improve prisons through infrastructure improvement, addressing overcrowding, and Prisons Administration Directorate's (DAP) medical and management through training, advising, and provision of supplies and equipment.

*Question.* How does the Administration view Cuba's complicity in drug trafficking through Venezuela?

Answer. We have serious differences with Cuba on a range of issues, including Venezuela. Cuba continues to support the Maduro regime and seeks to undermine regional stability. INL closely monitors transnational criminal organizations and trafficking trends in the region, including Cuba, and works to counter criminality emanating from Venezuela. While much of the cocaine trafficked through Venezuela moves through the broader Caribbean region regional traffickers typically avoid Cuba due to counternarcotics efforts by the Cuban Government.

*Question.* What actions, if any, is the Administration taking to counter this threat?

Answer. Individuals within the Maduro regime increasingly depend on narcotrafficking revenue, among other illicit revenue streams, to maintain their grip on power. We are committed to stemming the transshipment of drugs through Venezuela, combating the endemic corruption of regime officials, and impeding the money laundering and criminal networks related to the illegal trade of commodities. Since January 2019, the United States has worked with the Interim Government of Venezuela to increase the interdiction of Venezuelan-flagged vessels beyond the territorial sea of any State suspected of illicit narcotics trafficking. In April 2021, the Department of State successfully negotiated an arrangement with the Venezuelan Interim Government to facilitate expedited U.S. law enforcement boardings of these suspect vessels. As of December 8, 2021, this partnership has resulted in the interdiction of 64 vessels and transfer of 159 suspects to authorities ashore for U.S. prosecution.

We also continue countering threats in coordination with international narcotics trafficking and money laundering charges by the Department of Justice against Venezuelan targets through our Narcotics and Transnational Organized Crime Rewards Programs. We are working with our partners to increase the identification and interdiction of criminal activity emanating from Venezuela, primarily: violent non-state armed groups, illegal drug and gold trafficking, and money laundering.

---

RESPONSES OF MR. BRIAN A. NICHOLS TO QUESTIONS  
SUBMITTED BY SENATOR MARCO RUBIO

*Question.* What is the State Department doing to provide assistance to political prisoners in Cuba facing critical and life-threatening conditions?

Answer. Advancing democracy and human rights remains at the core of our policy efforts toward Cuba. The Department of State has strongly condemned the Cuban government's treatment of political prisoners, to include repression and unjust detention of peaceful protesters, human rights activists, and journalists. We have placed new sanctions and visa restrictions on Cuban security force officials responsible for repression and human rights violations. Through democracy assistance programs managed by the State Department and USAID, the U.S. Government supports pro-democracy voices and individuals persecuted by the Cuban regime. These funds provide humanitarian assistance to human rights defenders and political pris-

oners on-island and raises awareness of the plight of Cuban political prisoners in international fora.

*Question.* How is the State Department working with allies in Europe and the Western Hemisphere to increase pressure on the Cuban regime?

*Answer.* The Administration actively engages with multinational organizations and our international partners to collectively condemn the violence and repression upon the Cuban people for demanding freedom. The State Department has reached out to governments and multinational organizations around the world to build support for the Cuban people. Many countries have asked to coordinate with the Administration to press for respect for human rights on the island. We have held conversations with leaders who have differing views and refocused the world's attention where it belongs: on the Cuban government's repression and on support for the human rights enshrined in the Universal Declaration of Human Rights.

*Question.* Another result of the historic protests in Cuba this year is that they shone a light on the regime's rampant use of internet circumvention tools in order to both control Cubans' access to information from the outside world and curtail their ability to share widely news within the island. I understand that the United States has provided assistance mostly in the form of virtual private networks, which can overcome Cuba's nascent censorship regime. I am intensely concerned that this assistance does nothing to counter the regime's ability to shutdown internet service altogether for different regions of the country.

What can you tell me of the Department's efforts to ensure unfettered access to the internet for the Cuban people?

*Answer.* Through the Global Internet Freedom appropriations earmark, the U.S. government obligates over \$70 million annually to promote Internet freedom globally, including in Cuba. Assistance supports the development, global deployment, and operation of the latest secure and reliable technical solutions to counter Internet censorship, content blocking, and shutdowns. The Administration remains open to other scenarios for expanding information flow for the Cuban people, recognizing that no easy fixes exist to nation-level connectivity limitations of the kind we see in Cuba. However, in all potential scenarios, the security and anonymity of activists using these solutions on the island remains a paramount consideration.

*Question.* On November 18, President Joe Biden met with Mexican President Andres Manuel López Obrador (AMLO) during the "Three Amigos" summit of the North American states. That summit occurred at a time of disturbing actions and comments made by the Mexican president towards the dictatorial regimes in Cuba, Venezuela, and Nicaragua, as the people of those countries suffer from repression, poverty, and societal breakdown.

Did President Biden reaffirm the United States' long-standing commitment to supporting freedom and democracy in the hemisphere? Specifically, did he make clear that AMLO's indulgence of left-wing dictatorships' repressing of their peoples is incompatible with a strong U.S.-Mexico partnership and violates Mexico's obligations to support and defend democracy under the Inter-American Democratic Charter

*Answer.* Respect for human rights and fundamental freedoms are integral to a healthy democracy, and support for democratic values was a key theme throughout the North American Leaders' Summit. During the Summit, the Leaders affirmed their support to press for full and meaningful participation in our democracies and economies for all. President Biden and the other leaders reaffirmed our collective commitment to protect human rights, especially for members of the most vulnerable and historically marginalized communities. The United States, Mexico, and Canada also expressed a determination to reinforce democracy at home and inspire democratic development around the world.

*Question.* In your recent testimony before the House Committee on Foreign Affairs, you were asked about the presence of Cuban doctors in Mexico in the context of the U.S.-Mexico-Canada agreement (USMCA).

Has the Administration made a determination whether the presence of those doctors is a violation of the forced labor provisions of USMCA?

*Answer.* The Department recognized some of the Cuban medical professionals that assisted Mexico may have been forced to work by the Government of Cuba in its 2021 Trafficking in Persons report. The TIP Report also called upon the Government of Mexico to develop and implement standardized procedures for frontline officials to proactively identify victims among Cuban medical professionals and refer those individuals to organizations or officials providing services to trafficking victims. USTR, as the lead agency for USMCA compliance on this issue under the

Labor Section, is examining this question and has access to reporting from State to inform its determination. For questions on USMCA compliance and timing for a determination, I refer you to USTR.

*Question.* Earlier this month, Secretary of State Antony Blinken appointed new officials to oversee the ongoing investigations into the health attacks against U.S. diplomatic personnel serving overseas. The resulting health damage has been named, “Havana syndrome,” due to the fact that the first wave of attacks occurred in Cuba. However, Secretary Blinken, in a carefully worded statement, refused to use the word “attack” to describe what occurred.

What is the Administration’s position on these ongoing incidents? Do you believe they are attacks specifically targeting U.S. officials?

*Answer.* There is nothing we take more seriously than the health and security of U.S. Government personnel and their family members. The interagency community is actively examining a range of hypotheses but has made no determination about the cause of these incidents and/or whether they can be attributed to a foreign actor. AHIs are a top priority for Secretary Blinken, who set clear goals for the Health Incident Response Task Force to strengthen the Department’s communication with our workforce, provide care for affected employees and family members, and deal more effectively with these events in the future as we continue to work closely with the interagency to find the cause of these AHIs.

*Question.* Were U.S. officials, some of whom have been medically diagnosed with traumatic brain injury, just random victims?

*Answer.* The Department’s investigation surrounding these incidents is a fact-based mission. The interagency community is actively examining a range of hypotheses but has made no determination about the cause of these incidents. What is certain, however, is that the experiences and symptoms of our affected employees are real.

*Question.* Some open-source reporting speculates that some form of a new weapon developed by Russia or perhaps China was being tested on unsuspecting American personnel.

As you know, nothing happens in Cuba without the regime’s knowledge. When it comes to the attacks to our U.S. personnel in Cuba, does the Department believe that another government could really plan and carry out actions like this in Havana, Cuba, with the Cuban regime having absolutely no knowledge of them?

*Answer.* The Department is doing everything within its power and in partnership with the interagency to identify the cause of AHIs. The interagency community is actively examining a range of hypotheses but has made no determination about the cause of the AHIs or whether they can be attributed to a foreign actor.

*Question.* What steps will the State Department take to further hold the regime accountable for the breakdown in Nicaraguan democracy?

*Answer.* The Department, along with the U.N. Human Rights Council, Organization of American States, European Union, and many countries in the region, has spoken out clearly in defense of democracy and human rights in Nicaragua, and will continue to do so. We will continue to work in close consultation with a broad coalition of OAS member states to urge the Ortega-Murillo regime to change course, immediately and unconditionally release all political prisoners, and take concrete action to restore democracy. As mandated by the OAS General Assembly, OAS members states conducted a collective assessment of the situation in Nicaragua on November 30 and will pave a path forward for Nicaragua to take action to put it back on a course to democracy. We will continue to work in coordination with our international allies and partners, like Canada, the United Kingdom, and the European Union, to take concrete actions to respond to the Ortega-Murillo government’s attacks on civil liberties. We will leverage new tools such as the Presidential Proclamation on Nicaragua, which President Biden signed on November 16, and the Corrupt and Undemocratic Actors List, which the RENACER Act expanded to include Nicaragua, to impose visa restrictions on those individuals determined, among other things, to have knowingly engaged in actions that undermine democratic processes or institutions in Nicaragua. We will continue to use diplomatic, economic, and other tools at our disposal to promote accountability for those who support the Ortega-Murillo regime’s human rights abuses and attacks on Nicaraguan democracy, and to support those committed to restoring democratic governance in Nicaragua.

*Question.* I understand that last week the Nicaraguan regime formally announced its intention to withdraw from the Organization of American States (OAS). Given

this, does the State Department plan to invoke Article 20 of the Inter-American Democratic Charter to start the process of suspending Nicaragua's membership?

Answer. The Department noted Nicaragua's November 18 decision to begin the formal process of withdrawal from the OAS, which takes 2 years to go into effect. The OAS is the most important multilateral organization in the Western Hemisphere and has a long history of supporting the democratic advancement of all nations in the Americas. The Ortega-Murillo regime's stated intention to withdraw Nicaragua from the OAS is yet another sign of their lack of respect for democratic ideals and for the interests of the Nicaraguan people. The OAS and its member states must stay engaged, stand up for the rights of the Nicaraguan people, and continue to press for the Ortega-Murillo regime to fulfill its commitments to its people under the Inter-American Democratic Charter. As mandated by the OAS General Assembly, OAS member states conducted a collective assessment of the situation in Nicaragua on November 30 and will continue to take action to put it back on a path to democracy.

*Question.* A provision in the RENACER Act calls for the executive branch to review Nicaragua's continued participation in the Central America Free Trade Agreement (CAFTA). Has the Administration begun to implement this section of RENACER?

Answer. The Department welcomes the broad, bipartisan nature of the U.S. desire to support the Nicaraguan people in their striving for democracy. The RENACER Act delivers a strong message and new tools to address the corrupt and authoritarian Ortega-Murillo regime and its subversion of the democratic aspirations of the Nicaraguan people. The terms of the CAFTA-DR do not provide for a party's expulsion. In light of the dramatic deterioration of respect for democratic principles in Nicaragua, however, the United States has taken a number of actions, including withholding support for Nicaragua's participation in trade capacity-building and technical assistance initiatives and working to redirect capacity-building to benefit the people of Nicaragua rather than the government. We continue to review the Nicaraguan Government's participation in any U.S.-supported CAFTA-DR programs, including trade capacity-building activities under the CAFTA-DR, with a view toward promoting good governance and transparency.

*Question.* Last week, we witnessed elections in Honduras, the results of which we're still awaiting. Several other critical American allies and partners will hold elections in the coming year, from the run-off elections for Chile's President next month, to elections in Brazil, Colombia, and Costa Rica. In the last few years, democracy organizations have noticed an uptick in activity by purveyors of Kremlin and CCP disinformation. I am very concerned that disinformation can distort people's perceptions of candidates in these elections. Such disinformation can lead to Latin American heads more concerned about lining their pockets with rubles and yuan than they are about building prosperous societies for their people.

What actions can Congress take to build resilience in Latin America and the Caribbean to the effects of disinformation?

Answer. With the FY 2022 request, the Department can strengthen the capacity of civil society and government communicators to address foreign disinformation and propaganda. As this phenomenon becomes more widespread and actors utilize sophisticated tactics, we look to Congress to fully support the Administration's FY 2022 request to provide Public Diplomacy the funding needed to bolster its outreach and capacity-building initiatives, including through the International Visitor Leadership Program, which enable key stakeholders to address such activities and strengthen an open information environment.

*Question.* I would welcome your thoughts on how to effectively tailor U.S. policy towards Latin America and the Caribbean to counter malign Chinese influence in this region. As you've noted, the Chinese Government is taking advantage of the pandemic that it unleashed on the world to increase its influence in the region.

In your view, how can we best frustrate their efforts?

Answer. The U.S. Government, through our sustained commitment to the Western Hemisphere, bolsters the region's coalition of resilient democracies that champion our shared values. We work to promote trade, people-to-people ties, exchange programs, environmental cooperation, improved health outcomes, climate mitigation and adaptation and technical cooperation, inter alia. As of November 15, we provided more than 50 million doses of COVID-19 vaccines to 30 countries in the region. We work closely with our allies and partners to lend expertise and resources toward the region's pandemic recovery, including support for greater vaccine availability, high-standard infrastructure investment, and transparent economic develop-

ment. We use our range of tools—from diplomatic engagement to technical exchanges, public diplomacy to targeted foreign assistance, and partnership with the private sector to civil society cooperation—to pursue deeper regional democracy, prosperity, security, and provide alternatives to PRC engagement.

*Question.* In which areas do you see opportunities for America to act?

*Answer.* We remain committed to working with our allies and partners to combat COVID-19 and the climate crisis; to face down foreign election interference and corruption; to strengthen our defenses in cyber space; and to produce and secure the technologies of the future. We will support our allies and partners who speak up against adverse actions, including the use of economic coercion. The United States remains committed to working with our partners on investment and procurement issues, including to build an enabling environment for private sector investment in infrastructure that reflects transparency, competitiveness, and international best practices. We will work with countries in the region to develop investment screening mechanisms that can protect these countries and the world from national security and data privacy risks that come with investment in critical infrastructure and sensitive sectors by untrusted vendors. These joint efforts remain crucial to the hemisphere's recovery from the pandemic.

*Question.* Which aspects of the Chinese Communist Party's (CCP) malign influence should we highlight in our public diplomacy to Latin American and Caribbean audiences in order to generate public pressure on local officials to shun PRC economic exploitation that comes under the guise of cooperation and aid?

*Answer.* We will continue to inform countries in the region about problematic PRC influence and coercive actions in the region. We raise concerns about PRC infrastructure projects with inadequate labor and environmental standards, for example, which undermine workers' rights under domestic law and international labor standards and undermine environmental protections. The projects also operate under a general lack of transparency and disregard for the rule of law; carry opaque and often unsustainable loan terms; and foster public corruption in borrowing countries. In addition, we will continue to highlight the risk of using PRC's untrusted providers, as PRC law compels Chinese firms to provide its intelligence and security services with on-demand access to data, facilities, and telecommunications equipment and infrastructure. This knowledge allows local populations to better discern the sources of disinformation and PRC attempts to gain access to critical infrastructure and sensitive sectors.

We also cooperate to provide a positive, transparent alternative to PRC investment offers. The U.S. International Development Finance Corporation (DFC) has approved investments tackling key development challenges including food security, logistics gaps, climate change, gender equity, and advancing the President's Build Back Better World (B3W) Initiative. The agency has more than \$10 billion invested across Latin America and the Caribbean in key sectors. We also continue to invest in people-to-people relationships, with programs in education, entrepreneurship, English language, and exchanges. Expanding access to educational opportunities and English learning and promoting entrepreneurship not only increases incomes throughout the region but also promotes more inclusive economic growth, ensuring more opportunities for people. Expanding these opportunities supports democratic institutions, rule of law, free press, and social inclusion.