

MONEY IS POLICY: ASSESSING SHORTCOMINGS IN THE STATE DEPARTMENT'S FOREIGN ASSIST- ANCE GRANTS PROCESS

HEARING

BEFORE THE

SUBCOMMITTEE ON OVERSIGHT AND
ACCOUNTABILITY

OF THE

COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES

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MONEY IS POLICY: ASSESSING SHORTCOMINGS IN THE STATE DEPARTMENT'S FOREIGN ASSISTANCE GRANTS PROCESS

Tuesday, June 4, 2024

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON OVERSIGHT AND ACCOUNTABILITY,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 10:08 a.m., in room 2172, Rayburn House Office Building, Hon. Brian Mast (chairman of the subcommittee) presiding.

Mr. MAST. All right. The Subcommittee on Oversight and Accountability will come to order.

The purpose of this hearing is to examine the foreign assistance grant making process at the State Department and related agencies and I will now recognize myself for an opening statement as we begin.

OPENING STATEMENT OF SUBCOMMITTEE CHAIRMAN BRIAN MAST

I want to recognize, No. 1, just that yesterday marked the 35th anniversary of the Tiananmen Square massacre. The Chinese Communist Party may have held on to power, no doubt, as we can all see but the spirit of the pro-democracy protesters evident in Tiananmen Square on June 3d and June 4th of 1989 it does live on.

Today's hearing is an opportunity for Congress to hold the State Department accountable for sending American tax dollars to thousands of foreign groups, hopefully, in support of American values.

But what we need to see as that's taking place is that there not be an instance where there's less accountability and oversight than is used to build a bridge or a road here at home.

It's also an opportunity to examine what exactly are the State Department's priorities. Is it rising to the challenge of taking on foreign superpowers or is it promoting wokeness and social justice?

When it comes to foreign assistance the U.S. Government provides more than every other nation combined. Every year the State Department, DOD, the Commerce Department, Agriculture Department, the EPA, and many other Federal agencies send tens of billions of dollars to other countries with very few strings attached and with basically no discernible strategic benefit for the United States of America and its citizens, at least that's the way many of my constituents feel as they take a look at this on a daily basis.

The half-million-dollar grant promoting atheism in Nepal would be one example of this. Another example is that the Biden administration has sent more than \$2.8 billion to Afghanistan since the Taliban took power in August 2021.

A report shows tens of millions of dollars of that money going directly into the hands of the Taliban. There was a grant for \$20,000 to fund drag shows in Ecuador. Unfortunately, the examples mentioned are likely only the tip of the iceberg.

As some of our witnesses will explain there is a culture of rot within the State Department that has perverted how American tax dollars are being spent.

We're seeing grants being structured to promote avowedly left wing agendas and then when the money is approved there's little monitoring or evaluation of how these grants are implemented.

Let's examine some of the examples that I gave. Take the \$500,000 grant promoting atheism in Nepal which was, to say the least, denied for hours in this very room until we actually held up the document showing that this was in fact factual.

This committee sent more than 10 requests for information about this grant to the State Department over a 1-year period.

We didn't get any answers until staff from this committee were able to track down irrefutable proof when they were on a staff delegation to Nepal the State Department was in fact funding atheism in Nepal. In many places they're building—working to help build useless piers in places like Gaza.

If that wasn't bad enough the implementing partners are now admitting that that initial \$500,000 was approved without the establishment clause concerns even being raised.

The State Department doesn't want us to know how many of the instances like this have occurred and it appears to me they don't know themselves. We need to know why the State Department is allowing grant beneficiaries to craft their own monitoring and evaluation criteria for how this money is spent.

We need to know why the State Department is often unable to assess the actual impact of a grant. They can tell us that a grant went to an NGO tasked with distributing humanitarian aid in the form of wheat, yet they can't tell us if the wheat got into the hands of the civilians that actually need it.

The State Department's preferred evaluation is an impact assessment but they are not required and are seldom used. We need to know why that is the case.

Finally, the hardworking American taxpayers who fund these grants, who go to work every day, have money taken out of their pocket and have it sent to other countries, they should be able to easily understand what is the benefit being derived for the United States of America with their dollars.

And with certain humanitarian aid the people in the State Department and/or USAID they don't even want to label this aid as coming from America. This makes you wonder even further how do the people on the ground know that America has done something good for them.

Every dollar spent abroad should benefit America's national security interests, period, without waste, without excuse, and in a

way wholly different from the transparency that we receive right now.

America is competing for influence all across the globe with China and Russia and Iran and other enemies. We're fighting to secure allies and our tax dollars should be going to benefit America's national security interests.

Yet, we're not seeing that from Joe Biden's State Department. China's Belt and Road Initiative is building highways, ports, and bridges.

Meanwhile, our State Department is promoting atheism. This is a failing strategy and, hopefully, today's hearing and our witnesses will shed light on what Congress can do to ensure American tax dollars are not wasted. I look forward to hearing the testimony and I thank all of our witnesses for being here today.

The chair now recognizes the ranking member, the gentleman from Colorado, Mr. Crow, for any opening statement that you may have.

OPENING STATEMENT OF SUBCOMMITTEE RANKING MEMBER JASON CROW

Mr. CROW. Thank you, Chairman Mast. I want to start by thanking all of our witnesses for being here and especially welcoming back our former colleague, Congressman Malinowski, to the committee to once again share his insights and his expertise.

I hope that today we can have a good faith conversation about improvements to the foreign assistance process and about what robust assistance means for our interests in an era of renewed great power competition.

This is what I believe this committee should be focused on and what congressional oversight should be all about. This hearing is also an opportunity to dispel some of the false arguments being pushed by those who want to curtail U.S. global engagement and leadership.

These arguments have crept into the discourse in Washington and are amplifying talking points used by our adversaries to delegitimize the work of our diplomats and our development professionals around the world.

So I want to set the record straight. Our foreign assistance is not a pot of handouts overseen by deep State bureaucrats pushing domestic political causes nor is it a slush fund for writing blank checks to implementers without oversight.

This is exactly what opponents of U.S. global leadership want the American people to believe but it is not the truth. The truth is our foreign assistance programs go through rigorous process to justify their creation, competitive bidding to find the best implementers for the job, and have mechanisms in place to recoup American investment should any kind of waste, fraud, or abuse occur.

The truth is these programs don't push domestic political agendas but promote democracy and human rights, counter corruption, and expose the malign influence of Russia, China, Iran, and others.

The truth is these programs help us strengthen existing relationships, build new partnerships, and create environments that are permissive for U.S. businesses. These efforts are vital to our national security.

That's not to say some parts of the process can't be improved, hence, the need for this committee. Sometimes programs fall short in achieving their objectives and sometimes mistakes are made.

So I always welcome good faith suggestions from our witnesses about legitimate gaps that need filling and ways to make our programming more effective. But what I hope we avoid is using this hearing as a justification to gut our foreign assistance and our foreign policy.

Since being elected to Congress advancing the foreign policy and national security interests of the United States have been among my top priorities and serving on the House Intelligence Committee, the House Armed Services Committee, and the House Foreign Affairs Committee one fact has repeatedly stood out as self-evident, that we cannot win the competition with Russia and China if we do not invest in the necessary tools to defeat them.

That is why I'm deeply concerned about the Republicans' announced 11 percent cut to our State and foreign operations budget and hope to discuss what draconian cuts like these would mean for our ability to use foreign assistance as a tool to advance our national interests.

To quote former Secretary of Defense James Mattis, quote, "If you don't fund the State Department fully then I need to buy more ammunition."

Thank you again to our witnesses for being here, and I yield back.

Mr. MAST. Thank you, Mr. Crow.

Other members of the committee are reminded that opening statements may be submitted for the record.

We're pleased to have distinguished witnesses before us today on this important topic. Mr. Richardson is the former director of the Office of Foreign Assistance at the State Department.

Prior to this, he served as coordinator of U.S. Agency for International Development's transportation task force team where he established new policies and processes within the agency; Hon. Robert Destro, the former assistant secretary of State for Democracy, Human Rights and Labor during the Trump administration.

As assistant secretary he led the State Department's worldwide policy and foreign assistance programs on human rights and democracy issues such as free and fair elections, internet freedom, and the growth of the surveillance state; and last, we have Hon. Tom Malinowski, formerly represented New Jersey's Seventh congressional District from 2019 to 2023.

Prior to his time in Congress he served as the Assistant Secretary of State for Democracy, Human Rights and Labor during the Obama administration.

Thank you for being here today. Your full statements will be made a part of the record and I'll ask you to keep your spoken remarks to 5 minutes in order to allow time for members' questions.

And I now recognize Mr. Richardson for his opening statement.

STATEMENT OF JAMES L. RICHARDSON

Mr. RICHARDSON. Great. Thank you, Mr. Chairman, Ranking Member, distinguished members of this committee.

I really appreciate the opportunity to discuss U.S. foreign assistance, specifically grants at the State Department.

Foreign assistance does have the potential to be a force multiplier for U.S. interest while also positively impacting the lives of millions of people around the world. When done correctly our foreign assistance demonstrates the best of America and enhances our security and economic goals.

But foreign assistance is not charity, as both the chairman and ranking member have mentioned, and it should never be used to advance ideological or personal agendas. It should only be used to advance the core national security interests and goals of the United States.

As someone who's spent a lot of time here on the Hill, at USAID, and the State Department working on foreign assistance I know that this committee has seen that our efforts don't always meet these expectations.

We have seen grants undermine our closest allies, promote activities inconsistent with the culture or religion of partner nations, and fund projects that fail to advance America's core national security interest.

But the world of grants at the State Department is complex. Unfortunately, we don't always have clear goals, clear approaches, or a clear model for success.

Part of the challenge is, honestly, having too much money in the system. Part of it is an over politicization of foreign assistance, and still another is that foreign assistance is just tough. It's hard to do in hard places.

The first step of the process is to clearly articulate goals and objectives when approaching foreign assistance grants. As such, our grants should be aligned to the national security interest of the United States.

Unfortunately, I do fear that the State Department has taken a far too decentralized approach resulting in fairly murky goals and a lack of direction. Grants of the State Department are also too stovepiped with often too little socialization across the enterprise.

Functional bureaus don't always engage regional bureaus, embassies, or other agencies doing similar work, specifically USAID. This can often result in inherently less impactful programming because I believe deeply that the best ideas have broad engagement and broad buy-in.

The next step in the grant process is designing the notice for funding opportunities which provides the roadmap for achieving objectives. During this process we decide what type of grantee we want, what metrics will indicate success. Recently and all too often notices seem to be written to appeal to specific groups with specific ideological bents.

This can generate outcomes incompatible with good diplomacy as the values and ideas inherent in these grants can fundamentally be at odds with the local culture where they are intended to be implemented. This can alienate our partner countries, hamper developments, and hinder U.S. strategic goals in the region.

Furthermore, politicizing foreign assistance, which already does have low support among the American people, is just fundamentally unwise.

I would argue that it's important for us to return to a much more traditional, diplomatic, and development approach that is focusing our attention on real national security priorities albeit with new tools and paradigms with sharper monitoring and evaluation approaches.

This brings me to monitoring, evaluation, and outcomes. Too often our grants do not seem to meet common sense monitoring and evaluation standards. For example, grant awardees essentially write their own monitoring evaluation requirements including a focus on self-reporting quality versus quantitative data.

This results in weak performance standards that rarely if ever include an impact assessment, as the chairman mentioned, and monitoring in the field is often nonexistent. State Department officials rarely venture out from the capital city to see the progress of America's investments.

Part of the challenge is the simple—the amount of funding in the system and another part is the structural and cultural issues at the State Department. From the macro perspective, I fear the problem is even worse.

Requirements are focused on inputs and outputs rather than outcomes. The State Department is pretty good at tracking inputs. Most bureaus can tell you whether the grant was used for the intended purpose.

However, we fail to track whether the U.S. Government is having the intended impact in the country or sector that we're trying to reach or whether this type of program that we're actually funding is the most impactful approach.

To that end, awardees should not write their own monitoring and evaluation requirements. Instead, I would argue that a team of professionals in and out of the associated funding office or bureaus should draft them as part of the development and review process.

Let me close with this. America is not alone on the foreign assistance stage. We are competing with nefarious and self-serving actors including the Chinese Communist Party.

The CCP knows exactly what it's trying to achieve with its foreign assistance like efforts from capturing strategic ports to controlling rare earth metals. There's no confusion or lack of focus on their part.

Our foreign assistance efforts are inherently more noble than the CCP but we owe it to the system. We owe a better system to the world and the American people.

Again, I appreciate the committee's efforts to dig into this process. If we get it right we will not only direct our resources in a manner that advances America's national security but also significantly improves our diplomatic efforts and achieve the best possible outcomes at home and abroad.

Again, thanks so much for this hearing.

[The prepared statement of Mr. Richardson follows:]

CONGRESSIONAL TESTIMONY

COMMITTEE: House Foreign Affairs Committee, Oversight and Accountability Subcommittee

HEARING: “Money is Policy: Assessing Shortcomings in the State Department’s Foreign Assistance Grants Process”

DATE: June 4, 2024

WITNESS: Mr. James Richardson

Mr. Chairman, Ranking Member, and distinguished members of this Committee,

Thank you for the opportunity to discuss U.S. foreign assistance, specifically grants at the U.S. Department of State.

Foreign assistance has the potential to be a force multiplier for U.S. security and economic interests while also positively impacting the lives of millions around the world. When done correctly, our foreign assistance demonstrates the best of America and enhances our foreign policy and economic goals. Foreign assistance is not charity. It should never be used to advance ideological or personal agendas. It should only be used to advance the national security goals of the United States.

I began my career on Capitol Hill, spending 15 years working in the Senate and the House. Later, I had the honor of leading one of the largest reorganizations of the U.S. Agency for International Development (USAID). We transitioned to a data-informed, goal-oriented approach, and realigned our structure, people, and systems to match. After USAID, I served as Director of the Office of Foreign Assistance at the State Department, where I coordinated assistance across USAID and the State Department on behalf of the Secretary of State. I ensured the alignment of budget, policy, and performance.

Let me make a disclaimer: While this hearing is a deep dive into the world of grants, the problems I will discuss today cannot be relegated to grants alone. We find similar issues

with contracts and awards to international organizations, including the United Nations Family.

I suspect this committee has seen that U.S. foreign assistance efforts don't always meet our expectations. I have seen grants that undermine our closest allies, promote activities inconsistent with the culture or religion of partner nations, and fund projects that do not advance America's national security interests.

The world of grants at the State Department is complex. Unfortunately, we often don't know where we're going, how we'll get there, or when we'll arrive. Part of the challenge is having too much money in the system, part is over-politicization, and still another part is that foreign assistance is not only complex – it can be downright hard!

Clear Goals and Objectives.

First, as with every journey, we must know where we're going. Grants should be aligned with the United States' key priorities and national security interests. To do that, we need clear objectives.

When I led the USAID Transformation, we focused on clearly identified goals and metrics for success on a macro level. We created country-level roadmaps that clearly articulated the development needs of recipient countries. Even more importantly, we identified the point at which “success” would be achieved and assistance would end. For instance, during the Trump Administration, USAID identified two countries that had progressed past the need for additional assistance, so we worked to end our programs with those two countries and focus on more pressing requirements.

Another example is the Millennium Challenge Corporation. When created by Congress during the George W. Bush administration, one of its hallmarks was the idea of clear goals and metrics—both when to enter a contract and what success might look like.

Unfortunately, the State Department's current approach is far too decentralized, resulting in a murky approach and a lack of direction. While there are requirements to align grants to Integrated Country, Joint Regional, or Functional Bureau strategies, I often found this to be perfunctory and rarely impactful. These strategies are five-year documents that can take a couple of years to develop. They are inherently evergreen and often do not reflect Administration priorities or country-specific development.

Grants at the State Department are also stove-piped, with little socialization and engagement across the enterprise. Functional bureaus do not always engage regional bureaus, embassies, or other U.S. government agencies doing similar work (such as USAID). This results in inherently less-impactful programming. The best ideas have broad engagement and broad buy-in.

Designing for Success.

The next step is designing the Notice of Funding Opportunities (NOFO), which provides the roadmap for achieving the objectives.

During this process, we decide what type of grantee we want and what metrics will indicate success. Recently, and all too often, NOFOs seem to be written to appeal to specific groups with specific ideological bents – in particular for more progressive and nonlocal organizations. This can generate outcomes incompatible with good diplomacy as the values and ideas inherent in these grants can fundamentally be at odds with the local culture where they are intended to be implemented. This can alienate our partner countries, hamper development, and hinder U.S. strategic goals in the region. This was seen clearly in the infamous grant to track human rights in Israel – one of our closest allies - or to promote atheism in allied Muslim countries.

Furthermore, politicizing foreign assistance, which already has low support from the American people, is unwise. I would argue that it is important for us to return to a more traditional diplomatic and development approach—that is, focusing our attention on real national security priorities.

Monitoring and Evaluation.

Finally, I want to discuss outcomes and metrics. To accomplish anything, we need to know when we will have succeeded. Too often, our grants do not meet common-sense monitoring and evaluation standards.

For example, grant awardees essentially write their own Monitoring and Evaluation (M&E) requirements. This results in weak performance standards that rarely—if ever—include an impact assessment. And monitoring in the field is often non-existent. State Department officials rarely venture from the capital city to see the progress of

America's investments. Part of the challenge is the amount of funding in the system; another part is structural and cultural issues at the State Department.

From a macro perspective, the problem is worse. Requirements are focused on inputs and outputs rather than outcomes. The State Department is pretty good at tracking inputs. How much money is put towards a specific grant, and then aggregated to a sector. Most Bureaus can tell you whether that grant was used for the intended purpose—to purchase books or to run a specific program (outputs). However, we fail to track whether the US Government is having the intended impact in the country or sector we are trying to reach. Or whether that type of program funded is the most impactful approach.

That doesn't have to be the case. The current M&E standards are very flexible. Good things can happen if a funding office is engaged and exacting. Too often, however, only the bare minimum is done.

To that end, awardees should not write their own M&E requirements. Instead, a team of professionals in and out of the associated funding office/bureau should draft them as part of the development and review process.

Conclusion.

I'll close with this:

America is not alone on the foreign assistance stage. We are competing with nefarious and self-serving actors, including the Chinese Communist Party. The CCP knows exactly what it is trying to achieve with its foreign assistance-like efforts, from capturing strategic ports to controlling rare earth metals. There is no confusion or lack of focus on their part. Our foreign assistance efforts are inherently more noble than the CCP's, but we owe a better system to the world and the American people.

I appreciate the Committee's effort to dig into the State Department Grant process. If we get this right, we will not only direct our resources in a manner that advances America's national security, but also significantly improve our diplomatic efforts and achieve the best possible outcomes at home and abroad.

Again, thank you for holding this hearing. I look forward to answering any questions.

Mr. MAST. Thank you, Mr. Richardson.
I now recognize Mr. Destro for his opening statement.
Microphone, please. That'll help us all.

STATEMENT OF ROBERT A. DESTRO

Mr. DESTRO. Yes, thank you, sir. Thank you.

Chairman Mast, Ranking Member Crow, and distinguished members of the committee, thank you for scheduling the hearing and thank you for inviting us to be here.

I'm going to do in my 5 minutes of remarks something I learned at the State Department, which is to put the bottom line up front and that is my specific recommendation today, because what you all do here is legislate, is the Congress require all Federal agencies, not just the foreign assistance programs, to make detailed information about all unclassified grant awards and subawards, grantees and subgrantees, implementation and evaluation available online at Grants.gov, USAspending.gov, and ForeignAssistance.gov as soon as the money is obligated. Otherwise, you run into the problems that Representative Crow talked about—you know, the idea of, well, what's the agenda here.

I'm going to be considerably less charitable than my friend Jim Richardson because when I got to the State Department one of the first battles I fought, I mean, literally the first day I got there was a member of my staff who wanted to go to another country in the Middle East and visit with all the grantees and the answer was absolutely not.

You know, and as the new lead naive assistant secretary I was, like, well, I don't understand, to which the response was, well, you know, that's very sensitive information.

You know, and my reaction—my initial reaction was, well, don't I sign the checks, you know, and the answer was, well, you don't understand—that's very sensitive, to which the response was to hold up my badge and say, I have higher security clearance than you do.

And so what we're seeing here, if you take all that foreign assistance money and all the grants, literally to go from the top down to the ground level, whether it's in Sudan or Belize or wherever, you know, we don't know the story of American foreign assistance programs and unless we see what happens on the ground.

That was the point that Jim was making. It's, like, yes, we spent a lot of money. You know, it took me a while to figure out that at DRL we do a lot of training programs. We spend a ton of money on training.

You know, the question is what did they learn, and when I spoke with some folks from North Africa and asked them after having gone through the training whether or not they had—whether or not they knew what a whip list was or they knew that they could go visit their representative down in their home district they said, wow, we never learned that, to which I turned to the staff and said, well, what did they learn.

So what we're seeing here, and I think that Representative Crow kind of accurately captures the problem when he says—and I don't think it's unreasonable—by writing blank checks to departments

and administrative agencies across the Federal Government Congress is funding and maintaining a vast counter State.

It's actively violated the constitutional laws of the United States by funding censorship programs designed to limit speech at home and abroad. It attacks religious freedom at home and abroad and it spreads noxious theories about racial and cultural identity both at home and abroad.

Those programs—sometimes, not always, in fact, not most of the time—poison bilateral relations with other countries with incessant demands and funding for internal political change and cultural change while failing to notice coup and growing opposition in friendly countries through its heavy handed and, I would submit, unconstitutional use of sanctions tools against both friends, rivals, and American citizens.

The counter State that this Congress is funding and maintaining is comprised of unelected and unaccountable bureaucrats who no longer make any pretense of the fact that they are politically accountable where they actively resist efforts by Congress and the executive branch to oversee billions of dollars of Federal grants for both foreign and domestic programs, ideologically driven NGO's, and international organizations who receive those billions through an opaque grants process that puts a premium on spending the money by the end of the Fiscal Year rather than by measuring outcomes in the places where they deliver services.

And then, last, a small and shrinking group of large NGO's at international development consulting firms who are the partners of choice for the bureaucracy because, unlike NGO's on the ground in country, they have the capacity to comply with the mind-numbing requirements of the Federal acquisition regulations.

And so I'm going to stop here and leave time for questions. But there's plenty of data I can add. I've got figures for Haiti, the Sahel, Afghanistan, that will show you we got precious little for the money we spent.

Thank you.

[The prepared statement of Mr. Destro follows:]

U.S. HOUSE OF REPRESENTATIVES
 COMMITTEE ON FOREIGN AFFAIRS
 Subcommittee on Oversight and Accountability

**MONEY IS POLICY: ASSESSING SHORTCOMINGS
 IN THE STATE DEPARTMENT'S FOREIGN ASSISTANCE GRANTS PROCESS**
 Tuesday, June 4, 2024

**Statement of Robert A. Destro,
 Former Assistant Secretary of State, Bureau of Democracy, Human Rights, and Labor
 (DRL) and Special Representative for Tibetan Issues**

Chairman Mast, Ranking Member Crow, and Members of the Subcommittee. Thank you for scheduling this hearing, and for inviting my former colleague, Jim Richardson, who ably served at the Director of the Office of Foreign Assistance during my time at the Department of State, and my predecessor as Assistant Secretary for DRL, the Honorable Tom Malinowski. I am honored to be with them today. I look forward to hearing what they have to say.

My written remarks make six (6) points about the need for Congress to enact legislation requiring transparency and accountability in all unclassified foreign assistance programs. My oral testimony will provide concrete examples supporting this recommendation and such documentation as I have been able to gather to date.

1. Money is one of the most important tools used by the United States Government (USG) to project power and influence.

Money is an instrument of “hard” power when governments use it to punish behavior deemed “unacceptable.” Punitive economic sanctions and asset seizures are the most obvious examples, but a declaration that State or USAID will withhold current or future foreign assistance can have a similar effect. Money, in the form of grants, is also an instrument of “soft” power, in that its very purpose is to “support or stimulate” individual, group, and institutional behavior thought to be consistent with USG policy goals.

[31 U.S.C. §6304](#) mandates the use of grant agreements when:

- (1) the principal purpose of the relationship is to transfer a thing of value to the State or local government or other recipient *to carry out a public purpose of support or stimulation authorized by a law of the United States* instead of acquiring (by purchase, lease, or barter) property or services for the direct benefit or use of the United States Government; and
- (2) *substantial involvement is not expected between the executive agency and the State, local government, or other recipient when carrying out the activity contemplated in the agreement.*” (emphasis added)

The text of the statute raises two (2) “accountability” questions:

- a. To what extent must grant-makers identify “a law of the United States” that authorizes the *specific* “support or stimulation” funded by the grant? 31 U.S.C. §6304(1) explicitly requires that *every* grant be for an *identifiable* “public purpose or stimulation *authorized by a law of the United States.*”
- b. Section 6304(2) presupposes that the agency will *not* be “substantially involved ... when [the grantee] is carrying out the activity in the agreement.” How, then, is the either the granting agency, OMB, or Congress to ensure that the activity funded is advancing “the public purpose or stimulation authorized by a law of the United States,” *and* that the activity advances, rather than undermines, the foreign policy objectives of the President?

2. Most Americans have no idea a) how much “foreign assistance” the USG provides; b) for what purposes; or c) for what ends.

The phrase “foreign assistance” includes not only funding and tangible things provided by State and USAID, but also health programs provided by HHS and NIH; non-military assistance provided by the Department of Defense; and international assistance provided by myriad other federal agencies, including Agriculture, Commerce, Education, EPA, Justice, and Labor. It also includes large sums of money provided to international organizations like the United Nations, the WHO, the International Labor Organization, and the World Food Programme. *See* Report to Congress on U.S. Contributions to International Organizations, Fiscal Year 2021 Section 4(b) of the United Nations Participation Act, 22 USC 287b(b) at <https://www.state.gov/u-s-contributions-to-international-organizations/> (accessed May 31, 2024) (\$16.014 billion in FY2021).

3. Congress has not imposed any enforceable transparency and accountability standards.

There are no uniform transparency, accountability, or professional standards governing the process by which agency personnel develop and recommend grant programs to advance our foreign policy goals. There are no professional standards, uniform criteria, or transparency rules that govern the process by which reviewers are qualified and selected to evaluate grant proposals. Nor has Congress required either the awarding agency or grantees to make their data public so that others can validate claims that the grants awarded and completed achieved their expected or promised outcomes.

As a result, the identities of mid- and ground-level sub-grantees are generally unavailable to the public, to journalists who would report on their activities, or to organizations that would compete for these grants. Even a cursory review of Grants.gov, ForeignAssistance.gov, USASpending.gov or the Report on U.S. Contributions to International Organizations demonstrates that the information provided (often in the form of massive spreadsheets or very generalized program descriptions) raises more questions than it answers.

The effect should be obvious. Without transparency, *every* non- “earmarked” appropriation, including those made for foreign assistance, serves as a “functional” blank check.

4. There is no meaningful transparency or oversight within or among the agencies administering foreign assistance programs.

Non-public information about the specifics of both foreign assistance and domestic grant programs is difficult to obtain *within* the State Department, much less from other Departments like HHS, Justice, or Labor. Even Ambassadors, who serve as the President’s personal representative to the countries in which they are posted and who are accountable to the host government for USG-funded actions, have reported that they find it difficult to obtain detailed “all spigots” information about the nature, purpose, and operations of USG funding programs operating in their host countries.

5. When Congress writes what are, in effect, blank checks to grant-making bureaucracies, the phrase “personnel is policy” takes on a whole new meaning.

Because there is no transparency, there is little, if any, accountability for the use of foreign (or domestic) assistance funds. Based on my experience at State and in my ongoing work with human rights advocates in Africa and the Caribbean, neither Congress nor the President have any real insight or practical control over the allocation and use of these funds. I respectfully submit that Ambassadors, Cabinet Secretaries, and agency heads are equally in the dark.

The result? Each bureaucracy that administers foreign assistance funds has its own foreign policy.

6. Lack of transparency in Washington has real-world consequences overseas.

All governments, including our own, are suspicious of individuals and organizations who operate within their respective territories and serve the interests of a “foreign principal.” *See* Foreign Agent Registration Act [FARA], 22 U.S.C. §611(c)(d) (requiring registration by any person, entity, or organization serving as an “agent of a foreign principal”); <https://www.justice.gov/nsd-fara/frequently-asked-questions> (accessed May 30, 2024).¹

Such laws are controversial – and rightly so, but this hearing is not the proper forum in which to discuss the human rights concerns they raise. I mention them here, not to defend either the laws or the motives of the countries enacting them, but because diplomats who are politically accountable understand that *every* country views the existence and operations of *anyone* who serves as an “agent of a foreign principal” within their borders is a threat to the host nation’s sovereignty.

Maintaining such operations openly, even with the knowledge and consent of the host country, is a matter of great diplomatic sensitivity. Funding such programs *covertly* through sub-grantees who operate as NGOs, businesses, or educational institutions in any country is completely unacceptable unless those who propose the funding can make a compelling case that such funding will advance the national security and foreign policy goals of the United States *without* antagonizing the host country. Running foreign assistance programs without the knowledge of the U.S. Ambassador or hiding the existence and substance of unclassified foreign assistance programs from political appointees or from Congress, should be a firing offense.

CONCLUSION & RECOMMENDATION

Congress holds the power of the purse. U.S. Const. art. I §7 (“No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.”) Because Congress is in no position to provide detailed oversight over the expenditure of billions of dollars in either domestic or foreign grant programs, it is imperative that you set policy that requires both transparency and accountability.

The President certainly has the authority not only to make and implement foreign policy, but also to demand transparency and accountability from appointees and employees of the State Department, USAID, and other agencies administering foreign assistance funds. Only Congress can force the issue.

My recommendation: Please: Let us follow the money! Detailed information about all grants, including successful and unsuccessful grant proposals, statements of work, grant and subgrant documents must be publicly available *as soon as a grant is awarded*. At a minimum, grant-making agencies should be required to provide unredacted internal information within the USG.

Thank you for giving me the opportunity to share this information, and for the opportunity to testify in person.

¹ Georgia has become the most recent country to adopt a law requiring all “organizations pursuing the interests of a foreign power” to register with its government. India’s Foreign Contribution Regulation Act (FCRA) speaks to the same issue. **Georgia:** *See* JAM News, “Venice Commission urges Georgia to repeal ‘foreign agents’ bill”, *JAM News*, 25.05.2024 at <https://jam-news.net/venice-commission-to-georgian-dream/> (accessed May 30, 2024). Links an English translation of Georgia’s new law can be found in the Venice Commission Report. *See* European Commission for Democracy Through Law (Venice Commission: Georgia: Urgent Opinion on the Transparency of Foreign Influence issued on 21 May 2024 at [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI\(2024\)013-e#page23](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI(2024)013-e#page23) (accessed May 30, 2024). **India:** Ministry of Home Affairs, at <https://fcraonline.nic.in/home/index.aspx> (accessed May 30, 2024)

Mr. MAST. Thank you, Mr. Destro.
The chair now recognizes Mr. Malinowski for 5 minutes.

STATEMENT OF TOM MALINOWSKI

Mr. MALINOWSKI. Thank you, Mr. Chairman, Ranking Member Crow. It's great to see you. Great to be back in this room.

Chairman Mast, thank you for leading us off by reminding everybody that today is the 35th anniversary of the Tiananmen Square massacre.

It's a day we always have to remember but it also, I think, helps to ground this conversation in what's important, a reminder that we are still in a struggle between authoritarianism and dictatorship in the world and we need to be giving the State Department the tools to stay in that fight.

As you know, before I came to Congress I was also the assistant secretary for the DRL bureau—democracy and human rights. This is the State Department's front line expeditionary force in supporting people who are struggling for freedom and democracy around the world.

A couple things about the budget. It's grown quite a bit in the last few years, not because any president has demanded it but because Congress has demanded it and the main champions, in fact, of DRL's budget in Congress, I would say, have been Republican appropriators in the last few years. It's certainly been bipartisan.

Another really important fact for you guys is to keep in mind DRL's grant programs around the world. 85 percent of them are earmarked by Congress for specific countries and purposes.

This is not a blank check. This is a part of the State Department that is probably the most directed, the most overseen by Congress of any part of that department.

I want to make sure everyone has a clear picture of what these funds do every single day. They support Chinese activists who have kept the spirit of that June 4th movement alive, helping them to break through the Chinese Communist Party's censorship and propaganda efforts and documenting their crimes.

They help to smuggle news and books and TV shows and movies to North Korea so that the people of that closed communist dictatorship will know what life is like in democratic countries.

They help Afghan women stay safe as they fight to get their rights back. When our military left these programs—these grant programs remained.

In Iran they help dissidents safely access the global internet when the clerical regime tries to shut them off. They help Cubans document human rights abuses by their government and press for the release of political prisoners.

They've empowered Christians and other religious minorities in Iraq and other parts of the Middle East fight for their rights under very difficult circumstances.

Under a program I got started they support anti-corruption investigators in every part of the world and when we think about our contests with China and Russia this is incredibly important.

Every year DRL grantees expose corrupt business deals that the Chinese government in particular is foisting on countries in Africa and Asia and Latin America. Very much in our interest.

Putin and Xi hate these programs. They hate what we do with this money. That's why they are pushing all of their allies in the developing world to pass these copycat laws criminalizing these kinds of partnerships with the United States and other Western aid agencies.

There are hundreds of thousands of people in the country of Georgia on the streets the last few weeks protesting that kind of law. They know what's at stake. So does their Russian-supported government, and what disturbs me most is that our adversaries have now turned to influence operations in the United States to try to discredit what the State Department does.

Now, my colleagues on both sides of the aisle, you know I don't mince words or dance around sensitive subjects. So I'm going to align myself with the chairman of this full committee Mr. McCaul, my friend, who recently said that Russian propaganda has made its way into the congressional debate about America's support for our friends and allies in the world.

I will align myself with Senator Mitch McConnell, who I often don't agree with but who recently warned us not to take our foreign policy cues from Viktor Orban's Hungary, a country that he rightly served—said serves as China's doormat to Europe.

I get why authoritarian governments and American think tanks that have forged partnerships with those governments might want us to stop these efforts.

I get why they're smart enough to be using language from our own culture wars, language about wokeness, to try to turn us against what our government does to promote freedom and democracy around the world.

I don't get why any of us would listen. Doesn't mean I agree with everything the State Department does. If you ask me to review the thousand or so grants the DRL manages every single year I'm sure I'd find a couple things I disagree with or that I'd redirect and, obviously, I believe in strong congressional oversight.

But the last thing we should do is to gut or politicize this programming or to disparage the hardworking, nonpartisan career public service servants who implement it. That would be doing to ourselves what our adversaries have long tried and failed to do to us.

Thank you. I yield back.

[The prepared statement of Mr. Malinowski follows:]

Statement of Tom Malinowski
Former Assistant Secretary of State for Democracy Human Rights and Labor, and
Member of the House of Representatives, New Jersey 7th District
Committee on Foreign Affairs, Subcommittee on Oversight and Accountability
June 4, 2024

Chairman Mast, Ranking Member Crow, 35 years ago, on the night of June 3 and morning of June 4th, 1989, Chinese leaders sent tanks and troops into Tiananmen square in Beijing to crush the student led movement that had been demanding a transition to democracy in that country. I'm mentioning this up front because this is a tragedy we should remember, especially on this day, and because I hope the anniversary will remind us to focus today on things that are truly important. There is a struggle playing out in every part of the world between democracy and authoritarianism, and Congress should be giving the State Department the tools to keep America in that fight.

As you know, the State Department's efforts to support freedom and democracy around the world are led by its Bureau of Democracy, Human Rights, and Labor, or DRL. Before I was elected to Congress, I had the privilege to lead this bureau, and the extraordinary people who serve our country within it. Part of their job is to shape our diplomacy with other governments, often in friction with other parts of the State Department, to make sure that human rights stays front and center. But they also provide direct grant support to people and to non-governmental organizations who share our values in countries around the world.

When I ran DRL from 2014 to 2017, our annual grant budget was a little over \$100 million. Today, it's four times larger. These big increases were not requested by any administration. They were volunteered by Congress, with bipartisan support, though I'd actually give the most credit to Republican appropriators like Senator Lindsey Graham. Here's another statistic I hope you'll keep in mind: around 85 percent of this bureau's grant funds are earmarked by Congress, for specific countries like China, Sudan, Syria, and Venezuela, and for programs like internet freedom, anti-corruption, and women's rights. Congress created this bureau, and no part of the State Department operates with more Congressional support, guidance, and oversight than DRL.

I want to make sure everyone has a clear picture of what DRL grant programs do around the world. Here are just a few examples.

They support Chinese activists who've kept the spirit of the June 4th movement alive, helping them break through the Chinese Communist Party's censorship and propaganda efforts, and documenting crimes in places like Xinjiang, Tibet, and Hong Kong, allowing us to sanction the Chinese leaders responsible.

They help smuggle news, books, TV shows, and movies to North Korea, so that the people of that closed Communist dictatorship will know what life is like in democratic countries, and they support North Korean defector-run organizations that expose what happens in that country's prison camps.

In Afghanistan, when our military left, DRL grants and grantees stayed — helping local organizations that advocate for women and girls, and keeping activists safe from the Taliban.

In Iran, they help dissidents safely access the global internet when the clerical regime tries to shut them off.

They help Cubans document human rights abuses by their government and press for the release of political prisoners.

They've empowered Christians, Yazidis, and members of other religious minority groups in Iraq win back land taken from them by ISIS.

Through a program I got started, they support anti-corruption investigators in every part of the world, including in Ukraine, where they're helping to ensure that our aid goes where it's intended, and in Africa, where DRL grantees have exposed multiple Chinese and Russian attempts to steal natural resources and corrupt local governments.

Russia and particularly China spend billions of dollars each year on covert influence operations across Africa, Asia, and Latin America. Our comparative advantage in these places is that their people associate America with ideas like human rights, the rule of law, and clean, honest government. State Department grants reinforce that association, and empower the forces in those countries fighting for those values. If we want to compete with our adversaries, we have to be willing to spend money on this; in fact, we should be spending a lot more.

And please remember how sensitive and hard this work is. These grants mostly go to people in repressive dictatorships who risk persecution and sometimes death for doing what they do. The staff who manage these grants have to focus on keeping people safe, and that's something they're very good at. DRL may also be the only part of the US government that can get grants to people facing emergencies — like having to get out of a country before they're arrested — in less than 48 hours. There is maximum oversight with minimum bureaucracy.

Precisely because these programs are effective, they are threatening to dictators around the world. There is a reason why Putin kicked State Department and AID programs out of Russia and has criminalized any association with them. There is a reason why many Russian and Chinese allies have passed copycat laws to prevent civil society groups from forging partnerships abroad. Hundreds of thousands of Georgians have been protesting against such a law in the last few weeks — they, and their pro-Russian government — know what's at stake.

What disturbs me most is that our authoritarian adversaries have turned to influence operations within the United States to discredit what the State Department has long done, with bipartisan support, to promote our values and help the people who share them around the world. Our enemies' propagandists gotten smarter about this task, stealing language from our own domestic culture wars, with references to wokeness and to George Soros and to deep state bureaucrats.

My colleagues on both sides of the aisle know that I don't mince words or dance around sensitive subjects. So I'm going to align myself with the Chairman of this Committee, my friend Representative McCaul, who recently said that "Russian propaganda" had made its way into the Congressional debate about America's support for our friends and allies in the world.

I will align myself with Senator Mitch McConnell, who recently warned us not to take our foreign policy cues from Victor Orban's Hungary, a country that he rightly said "serves as China's doormat to Europe" and that fawns over Russia and Iran.

I get why an authoritarian leaning government in Hungary might not like US government programs that expose its corruption and that broadcast uncensored media to its people. And I get why think tanks in the United States that have forged partnerships with Orban's government might want to turn us against such State Department programs. I don't get why any of us who care about promoting American interests and values would listen to them.

That doesn't mean that every grant decision made by DRL or other parts of the State Department is correct. If you asked me to review each of the thousand or so small and large grants that DRL manages each year, I'm sure I'd find a handful that I'd redirect elsewhere. And as a former member of Congress, I strongly believe in Congressional oversight — so long as Members remember that many of these programs were created by Congress in the first place and are governed by Congressional earmarks.

But we should also approach this question as serious people, cognizant of the stakes involved in the contest between freedom and authoritarianism in the world, and the risks people take in repressive countries to work with us. The last thing we should do is to gut or politicize this programming, or to disparage the hard working, non-partisan career public servants who implement it. That would be doing to ourselves what our adversaries have long tried, and failed, to do to us.

Mr. MAST. Thank you, Mr. Malinowski.

Let me just say I do love this panel, and this is not to diminish you at all, Mr. Richardson, but I love the fact that we have two individuals having held the same position at different times from different administrations.

I think it does allow us to get a very good understanding of some of the work that's done there. So I'm glad to see the way that this panel was formulated.

Members are going to be recognized for 5 minutes of questioning and if they want we'll probably go to another round of questioning if members desire. I'm going to begin by recognizing myself for 5 minutes.

And, Mr. Malinowski, you used the term earmarks. I also sit on the Transportation and Infrastructure Committee. When I think of an earmark I might not do the design and engineering of a bridge but we're going to directly identify, hey, we need a bridge here, a road here, a piece of track here or whatever it is and we're going to directly identify that.

And I would dare say that if we did foreign assistance in that way I think most Members of Congress would probably not want to put their names on a lot of the grants that are going out or what—as you used them call them earmarks. I don't think they would want to earmark them with their name on it.

But how do you mean that term earmarks? Because it's not the same way that we would talk about a transportation earmark.

Mr. MALINOWSKI. It's not exactly the same but basically the way it works is Congress will say, all right, State Department, you got hundreds of millions of dollars—we're going to direct that you spend, say—I'm making this up—\$4 million on internet freedom programs for the people of Iran.

You're not picking the contractor who might implement that program if it's done that way but you're also not picking the contractor who's going to build your bridge, right.

You're saying this is the objective—this is what I want you to try to achieve in this place—and then the State Department goes out, hopefully, ideally, in consultation with those Members of Congress who are most interested in that and they figure out a way to do that.

And then the oversight does not end because if you are the person in Congress who pushed that earmark you're, I assume, going to be talking to them regularly about how they're going about implementing it.

Mr. MAST. So I wouldn't call that an earmark, right? It'd be like saying, well, Congress approved a hundred million dollars for roads across America. That doesn't mean that we said which roads we want to build. We just approved money for roads. That's not directly saying we need one here, we need one there.

Mr. MALINOWSKI. No, it's much more specific. It's much more specific. So—

Mr. MAST. But the members are not putting their names on the specifics of the ones that they want—

Mr. MALINOWSKI. No. You're passing it. It's in the law. So—

Mr. MAST. We need members to put their names on the specifics of these.

Mr. MALINOWSKI. Right. Well, I think the difference is when I would yield on something—

Mr. MAST. I'm going to go to Mr. Destro. But I thank you for your analogy. I appreciate it. You gave me some food for thought.

Mr. MALINOWSKI. It's not for your district. That's the difference.

Mr. MAST. So, Mr. Destro, I want to go to whether—what I brought up with some of the examples—drag shows in Ecuador approved, ultimately not funded because of all of the political pressure, but moronic to say the least.

The atheism in Nepal, half a million dollars—the money going to the Taliban, you name it—are these outliers or is this the tip of the iceberg? Microphone, please.

Mr. DESTRO. I agree with Congressman Malinowski that the staff is hardworking, that they're dedicated public servants.

But I can also tell you that the staff in DRL—the policy staff in DRL versus the funding staff in DRL was extremely frustrating. They could not get information about where the money was going in their countries and they were completely forbidden to talk to the contractors.

And so, I mean, when you look at a country like Lebanon who had an earthquake in the explosion in the port, you know, I called their staff together and said, well, what are we doing in Lebanon where we can kind of get the contractors and get people over there to help them.

You know, you look at the perception of our programs. I have spoken to since I left the State Department and during the time I was there to many people in Nigeria. I've introduced them to grants.gov.

I've introduced them to USAspending.gov and the response is this is like the dew that never makes it to the grass. Where's all that money going; how is it helping us.

And so the perception here—I don't want to undercut the really good work that's done. The problem is that you have a State Department, among other things, that is paying to foster internet censorship, which is exactly the opposite of what we in DRL were supposed to be doing.

Mr. MAST. So let me ask again. Are the examples I gave the tip of the iceberg or are they outliers?

Mr. DESTRO. I think the answer is not clear, and I don't think—if you—one of the things I mentioned in my written statement is that in response to staff concerns I asked DRL to come up—the technical people at State to come up with a real-time data base of where we were spending our money.

Mr. MAST. All of it?

Mr. DESTRO. All of it. Yes, all of it, so that all the other bureaus could get to it. It would tap into the data base.

Mr. MAST. How did it work?

Mr. DESTRO. And it was built and it was one of my most progressive and, I think, honorable staff members—I mean, I loved her opinions on things—said, you know that that data is pretty inconvenient. It's going to cause an uproar in the countries if the information gets out.

So that's not—those are not my words. And so the fact of the matter is, Mr. Mast, we don't know the answer to your question because the information is opaque and not available.

Mr. MAST. Thank you, Mr. Destro. Thank you, Mr. Malinowski. Sorry I didn't get to a question to you, Mr. Richardson.

The chair now recognizes Ranking Member Crow for 5 minutes.

Mr. CROW. Thank you, Chairman.

You know, it strikes me that there's two issues going on here. There's one discussion about whether or not we should be doing this stuff at all, right—whether this money should be appropriated for these programs in the first instance, and that's kind of the larger debate that we're having right now as we address the Republicans' proposed 11 percent across the board cut for FSOBS, which would cutoff these programs.

Versus, Mr. Destro, I'm hearing you say the implementation and oversight of these programs, right, which seems to be the thrust of this conversation, not necessarily that we shouldn't be doing these things, that they do have value if they're done the way they should be done versus making sure they are done the right way.

So, Mr. Malinowski, I would just, you know, love to hear your response to Mr. Destro's comments about implementation and oversight and your experience with that.

Mr. MALINOWSKI. I find it very strange. I signed off on every grant. I knew exactly what we were doing around the world. I don't think any of my predecessors—certainly, I did not—have any trouble understanding what we were doing. There was trust between leadership and staff.

Talking about transparency and putting the stuff online do not forget, particularly for the bureau that we both led, most of the grants are going to help people who are living in dictatorships.

Mr. Destro mentioned Lebanon. Like, imagine you're giving a grant to an NGO in Lebanon that is fighting corruption in that country where the government is heavily influenced by Hezbollah.

You're telling me you're going to put that on a website so that Hezbollah can see exactly who in Lebanon is getting a grant to expose their corruption? Are you crazy?

So if members of his staff were telling him this is sensitive they were absolutely right. We are helping people who are risking their freedom and in some cases their lives to stand up for democracy, freedom, and human rights in their countries and you're darn right that one of the main missions of the staff and that bureau and others in the State Department is to keep our partners safe.

The assistant secretary knows what's going on if he or she is running the bureau correctly. But that doesn't mean—and Congress should know if you ask—but we have to keep that in mind.

Mr. CROW. And, Mr. Destro, do you think that an 11 percent across the board cut to the FSOBS program would be, in your view, beneficial? Would that enhance oversight or solve the problem that you're talking about about implementation and transparency?

Mr. DESTRO. Well, you've got a couple of questions there. I don't think that an 11 percent cut is unreasonable. I mean, most Americans are taking a much bigger haircut when they go to the grocery store every day.

You know, so the fact that it's not the amount of money that we spent. I think Jim Richardson and Tom Malinowski have both said it's the effect and the outcome that we're looking for.

You know, and it's not fraud, waste, and abuse we're talking about. That's the wrong—that's a category error. What we're talking about is programs that don't advance America's foreign policy interest and many programs that actually antagonize the people in the country who get it.

Mr. CROW. And your response to that, Mr. Malinowski?

Mr. MALINOWSKI. Well, they certainly don't antagonize the people who get it. What I've heard a couple of times from Mr. Destro is that they may antagonize governments, and I'm surprised to hear a former assistant secretary for democracy and human rights suggest that we shouldn't be making democracy and human rights grants that antagonize governments.

I mean, by definition if you are helping people—and that's the mission of this bureau and of the State Department, a mission defined by the U.S. Congress—if you're helping people advance human rights and democratic reform dictators aren't going to like that.

Mr. CROW. I guess one thing is I'm struggling with this notion that the resources and the amount of money doesn't matter. It's the effect.

But if you're cutting the resources and you're cutting what you're actually allocating in the projects themselves then the effect goes away, right?

Mr. MALINOWSKI. Of course, it matters, and it matters at a time—and I think there's bipartisan recognition of this as we have heard today—that China in particular and Russia to some extent spend billions of dollars on influence operations around the world and our comparative advantage in these countries is that we, unlike them, are associated by the peoples of these countries with these values of rule of law, human rights, democracy.

We work with them. We work with civil society and we should be doing more of that, not less of that, if we're going to actually win this competition, if we're going to be serious about it.

Mr. CROW. I think the point for me here is that you can't separate the conversation about allocation of resources and implementation, right. If you get rid of the resources then implementation doesn't matter because the programs go away, right.

And I'm all about increasing efficiency, having better implementation, doing things better all the time. Every organization can do things better. But if we cut the resources and the programs go away then the entire conversation goes away and we can't even have a seat at the table.

I yield back.

Mr. MAST. Thank you, Mr. Crow.

The chair now recognizes Mr. Perry for 5 minutes.

Mr. PERRY. Thank you, Mr. Chairman.

Gentlemen, thanks for being here. Tom, it's good to see you. Welcome back.

Mr. Destro, you coordinated for Tibetan issues when you were working in the last administration. I think Tibet suffers, as we know, from deteriorating human rights, poor economic development

conditions, restrictions against religious freedoms, and repression of Tibetan culture as the Communist Party of China seeks to consume and subsume Tibet.

With that in mind, did the Biden State Department encourage atheism in Tibet? Is that my understanding. I just want to—do you know about—what’s the story there?

Mr. DESTRO. It was in Nepal.

Mr. PERRY. It was in Nepal. Okay.

Mr. DESTRO. And I can tell you this.

Mr. PERRY. Okay. Okay, go ahead. Go ahead. Tell me.

Mr. DESTRO. No. No. Please finish your question.

Mr. PERRY. Well, what’s the interest of the United States of America in supporting atheism in Nepal? Like, what—how does that help us? What are we trying to achieve?

Mr. DESTRO. Well, there’s two answers to that question. One, we don’t have any and there’s no evidence that atheists are a persecuted class in Nepal. But even more so, you know, one of the big issues I had to deal with is talking to Nepal into not sending people back to China.

I had to intervene with the foreign minister and ask him, please don’t send people back who escape. And you could expect once this came out where the conversation would be—so why are you trying to destroy our culture?

You know, so you’re asking other countries to do things in the field of human rights, very valuable things in human rights, and then you’re kind of hitting them in places they don’t expect to get hit.

And it’s a false dichotomy that Mr. Malinowski is pointing out. It’s not about—just about governments. It’s about how the people see our government spending and who they’re spending it on.

The people in Nigeria I have been speaking to for years now and they say, who are these people who get the money? What do they do with it? And I have suggested that their independent journalists go out and start knocking on some of the doors to find out where that money comes from.

Mr. PERRY. Yes, I’m actually outraged that we’re spending money whether it’s in Tibet or Nepal on atheism abroad. I just feel like we could better spend our money and we’ll talk about that a little bit more.

Mr. Richardson, it’s come to my attention that grant awardees were being able to write their own monitoring and evaluation requirements. So they get the grant money—that’s my understanding.

So I want you to confirm this. Maybe I’m wrong. And then they write their own monitoring and evaluation so they’re watching themselves and how they spend it. Is that—am I mischaracterizing it?

Mr. RICHARDSON. Yes, that’s essentially right. When a grantee puts forward its proposal it’ll have a monitoring/evaluation section in that. Often what you find is that the monitoring and evaluation standards seem, I would argue, pretty weak and so—but it is almost a self-reporting.

The latest guidance that I saw from the State Department focuses on essentially a qualitative personal experience of whether

that funding helped them or not, and rather than looking at actual data or doing a true analysis and monitoring—true monitoring and evaluation, which is what you would actually want to do, because what you really want to do is see does that money actually have the impact you're trying to accomplish rather than does this just make people feel good.

And that seems to be the direction that the State Department seems to be taking in this new monitoring and evaluation standards that they've put forward.

Mr. PERRY. So it seems to me that we should be—you know, when the people in the district I represent wake up early in the morning and head off to work to pay their taxes, can't afford their groceries, their electricity bill, you know, their daycare bill, funding things—climate pet projects or, you know, DEI initiatives, other fabricated issues as I would call them as opposed to major infrastructure projects, oil and gas leasing or drilling, mining, real economic development projects that could be assessed at tangible results and then evaluating whether these funds have an impact as essentially optional is astounding to me in the sense that last year, 2023, foreign assistance, government, State, and USAID combined spent \$56 billion—\$56 billion—while China is out doing hard things.

They're not doing DEI initiatives. I guarantee you they are not. And climate issues—they're not doing any of that stuff.

We're spending our taxpayers' money on this stuff and then we're not even requiring a third-party evaluation on effectiveness. It's astounding. It's outrageous.

For those who say 11 percent is too much let me tell you what will tighten up the organization, not having as much to spread around because they're spreading it around willy nilly like they don't care because they don't care.

Well, my people, the people that I represent, that are working hard for their money, they do care, and they don't want to waste it. I yield the balance.

Mr. MAST. The chair now recognizes Mr. Burchett for 5 minutes.

Mr. BURCHETT. Thank you, Mr. Chairman.

Votes have been called. Are we still good to go?

Mr. MAST. If you would be more comfortable coming back here after the vote we can hold until then. I can give you your 5 minutes then. Either way.

Mr. BURCHETT. Okay, there's still time. Progress.

Mr. Malinowski, it's good seeing you, brother. I miss your receiving abilities on the football field.

Mr. MALINOWSKI. I can still play on the football team, you know.

Mr. BURCHETT. Yes, you can. Well, but with all those pros they don't ever throw to people like me and you anyway. So anyway—

Mr. MALINOWSKI. I think you caught a couple when—

Mr. BURCHETT. Well, I'm incredibly gifted. Thank you for noticing.

Mr. Richardson—I appreciate all you all being here and all the usual stuff we say. Can you explain how too much money in foreign aid can be a bad thing?

Mr. RICHARDSON. Yes. No, I appreciate the question. It is, I would say, two things. One, you always want to look at the out-

comes rather than the inputs, which is the money going into the system.

Not every program is designed for the same impact. Not every sector will have the same level of impact that is directed to the national security interest of the United States.

When it comes to the pure dollars in what you find is that we have both grants officers and contracting officers who are actually doing the hard work of crafting the right grant agreement or the right contracting agreement or the right cooperative agreement, and if you have too much money into the system you're overburdening those contracting officials and so that results in less quality and less focus.

The other part of this is that as a—from a foreign assistance perspective you really want to cut out the German manager or the British NGO that is managing your resources. You want to put the money as close to the recipient as possible.

It's called localization. That's really hard. You have to find local actors. So it takes longer and it's more labor intensive, and you probably can't put as much money into the system. But you ultimately will have a better impact, at the end of the day.

So having less money into the system allows you to better localize resources, better focus your attention on improving the actual approach that you're taking in order to have that better focus on impact.

Mr. BURCHETT. Thank you for that answer. I would remind you that John's sitting behind me. Apparently you hired him——

Mr. RICHARDSON. I brought John to Washington hired, him in his first job. It's great to see you.

Mr. BURCHETT. He's not much to look at but he does a pretty good job.

Mr. RICHARDSON. He's a good Kansan.

Mr. BURCHETT. I've had a couple of good ones in that position. One of them was over there but he's left, too.

What needs to change culturally, I think, at the State Department, USAID. We hear a lot of talk about that and just cutting it out for foreign aid to be more effective and I want to put in there to that how do we keep foreign aid from getting to our enemies?

I've had State Department people here before and they've told me that a hundred percent we cannot guarantee that that money—some of that money is not getting to our enemies.

Mr. RICHARDSON. Yes. Look, the vetting question is really serious where we actually are vetting both people and organizations that implement our foreign assistance, making sure that they are trusted individuals.

We do that on a very limited basis focused on very specific regions in the world and we do it almost exclusively focused on terrorism concerns rather than transnational concerns, criminal enterprises.

I think if we start expanding both what we are looking for in our vetting and expanding the amount of time and effort we focus on vetting, expand the number of countries, I think we can get a lot better and be closer to protecting the investments the American people are making.

Mr. BURCHETT. Okay. Let me make sure—no, I'm good.

You got any recommendations—any further recommendations that we could followup with maybe in legislation or otherwise to ensure that would happen?

Mr. RICHARDSON. Yes. I think that, you know, we have to take this stuff—the impact assessment—very seriously. You know, we have a logic model whenever we do any type of foreign assistance work that the money that we put into this program will result in this type of outcome.

But we know—we rarely actually track as to whether that actually happens and often when we do track whether it happens it's not true. The great example is greater economic assistance programs in Central America.

The theory was if we put more money into economic assistance programs that will keep people from migrating to the north. Turns out we made them just a little bit less poor, which allowed them to have better ability to pay for somebody to go to the north.

So it had the exact opposite. Great logic, terrible results. That's not the type of programs we should be funding and I think Congress can really dig in and require that type of impact that is essential.

Mr. BURCHETT. We have run out of time. I want to thank you all. Tom, miss seeing you, brother. But it just kind of reminds me—my momma was a school teacher and the last 10 years of her teaching career she taught at a historically black college and they had a saying, they don't want a handout, just a hand up.

And I think that's something that we should take to heart because it just seems that we are missing the boat on this thing and I think we're going to—long-term we're going to hurt ourselves because people are getting tired of just hearing about the misuse and the people that are abusing, specifically United Nations, on things like that.

So thank you all very much.

Mr. MAST. So we're well into a vote series here. As long as you all can hold on for us we would fully intend to come back with a few more questions. So we will briefly recess for this vote. We do appreciate your patience, and the committee will stand in recess until subject to the call of the chair.

[Recess.]

Mr. MAST. The committee will come to order.

I want to thank you all for waiting patiently for us. We tried to hold it off until the end of that last vote and then did the following vote immediately.

So, hopefully, you didn't feel like you had to wait too long. We're going to now go to my colleague from Florida, Mr. Mills, for 5 minutes.

Mr. MILLS. Thank you so much. Thanks for your time. I appreciate you guys being here and I appreciate the chairman for putting this together.

I wanted to go through a couple of just very easy questions for you. You know, Republicans are putting human rights defenders' lives at risk is what we're being told and I just want to talk about how—what a kind of hyperbolic statement that is when these things are made by our colleagues but also others.

Certain offices at State like DRL used this argument intentionally over classified information as a way to shield their program from congressional scrutiny on accountability.

Can you tell me whether or not you feel that's true that we are in some way putting human rights' lives at risk?

Mr. MALINOWSKI. I think there was a conversation about whether we should be—the State Department should be putting on a website or being much more public about all of the grants that go out to help human rights defenders in a dictatorship.

Mr. MILLS. Transparency, right?

Mr. MALINOWSKI. And I said if we did—in some cases if we did that it would be putting their lives at risk. I wasn't accusing anyone of doing that now because we're not doing that now.

Mr. MILLS. But, I mean, Congress is more than capable of being able to understand certain classified sensitivities.

Mr. MALINOWSKI. Correct.

Mr. MILLS. But at the same time in an effort to try—and this is the oversight and accountability piece—we're supposed to show transparency and accountability for the American people and also for the taxpayers on how things are being done.

My chairman here has even in the past shown where on a new department or bureau that had been established it wouldn't even say who works for those independent—is that not correct that we tried to source this multiple times?

How is that in some way not showing transparency, accountability, or in some ways putting someone at risk of a classification when you don't even show who's actually part of that actual independent department or bureau?

Mr. MALINOWSKI. I think we may be talking—do you mean a bureau of the U.S. government?

Mr. MILLS. Yes. I mean, I'll—

Mr. MALINOWSKI. Okay. Well, that's a totally different issue we have not discussed in this hearing.

Mr. MAST. Would the gentlemen yield for a moment?

Mr. MILLS. I yield.

Mr. MAST. It was the climate czar Mr. Kerry that would not identify the individuals being paid by the taxpayers who are working in his office.

Mr. MALINOWSKI. And so totally different issue from grants made to human rights defenders.

Mr. MILLS. And so—but do you think that those type—do you think those types of things, though, should be held or classified or do you think they should be transparent to the American people?

Mr. MALINOWSKI. I think those things should be transparent to Congress.

Mr. MILLS. I would absolutely agree.

Mr. MALINOWSKI. There are situations where, again, we're talking about human rights defenders in Cuba or Lebanon or Iraq or China. We do have to be careful whether something is formally classified or not. I'm sure you would agree not to endanger people who share our values, who take the risk of being partners with the U.S. Government.

Mr. MILLS. But I think you would also agree that making sure that we find out where these grant fundings are allocated—so let's

just say as an example, and I'm sure that it's already been beaten a few times on this, but what about the money that's being allocated to UNRWA?

What about the \$343 million that went to them last year where you had members of UNRWA who were participating in the October 7th incident or the fact that they've said almost 10 percent of the 13,000 employees actually celebrated the attack on October 7th?

I mean, Mr. Richardson, in your opinion do you think that an organization who participates in such things should continue to receive government funding?

Mr. RICHARDSON. No, of course not. I think the larger issue is also that we don't provide—we don't require any vetting of U.S. dollars to go into the U.N. system.

So while we know what happened with UNRWA because of reporting, we don't actually do our own independent analysis or security checks of humans that are actually receiving funding. And so we need to change that, especially with the U.N. system.

Mr. MILLS. And this is exactly what the OIG and Sopko talked about with SIGAR with regards to the independent grants and how they're being weaponized and being abused. You've watch where companies like Chemonics International and DAE and Creative Associates and all these supposed implementing partners who continue to say that they're doing things to get advocacy were actually just—actually telling people, hey, we have to get grants out as fast as possible because if we don't spend the money we're not going to be able to receive our second tranche.

That is not what I consider to be fiscally responsible and especially if you go back to the November 2011 IG report from SIGAR on the Chemonics Afghan Stabilization Initiative Program in southern Afghanistan where money was being allocated and in some cases falling into the hands of Taliban and also those who are running the poppy and opium fields.

So my point is in all this, and I know this is the point of the chairman as well, we need to have better oversight accountability to make sure that this money is not falling into the hands of the very people that we say that we're trying to combat against, and I think that the only way we're going to do that is to have more transparency from departments like the DRL.

With that, I yield back.

Mr. MAST. Thank you, Mr. Mills.

We're going to go to another round of questioning here. I'm going to recognize myself for 5 minutes.

And as I start out here—maybe there's some agreement or some good debate between you two—what is the budget that we're looking at, you know, on average year over year?

What are some of the budgets we're looking at for DRL from what you all have seen in terms of grants going out the door?

Mr. DESTRO. Well, the—

Mr. MAST. Not everything coming in for salaries. But when we're talking about grants going out the door what do you guys see and if we can agree on some kind of roundabout?

Mr. DESTRO. Yes. We were looking at a—at least when I was assistant secretary it was about one and a half billion. I think it's gone up a bit. The operations budget was about \$30, \$40 million.

Mr. MALINOWSKI. Yes, that's not right. It was—so the grant budget when I was there was a little over \$100 million a year. During the Trump administration Congress increased it. It went up about four times.

I don't have the exact figure, obviously, but it went up to I think in the \$400 million to \$500 million range.

Mr. MAST. How many grants you all think that's getting divided into?

Mr. MALINOWSKI. It's about, I think, on an annual basis, roughly, about a thousand. DRL is—one of the cool things about the bureau in my view is that they're pretty good at doing very small grants. So, like, USAID can't do anything under, like, Mega Millions.

One of the best programs that DRL has that has strong bipartisan support is the ability to get very tiny grants of, like, \$2,000, \$3,000, \$5,000 out in even less than 48 hours—

Mr. MAST. And of the thousand grants—

Mr. MALINOWSKI [continuing]. To people—let me finish. To people who need it to stay alive.

Mr. MAST [continuing]. How many subgrants are we talking about? How many subgrants do you all think—the entity that you wrote a grant to is now writing another or several other grants to other entities that you did not actually give a dollar to—you did not vet?

Mr. DESTRO. That's pretty hard to say. That was the basis for my comment about the big organizations like Chemonics and others that understand the Federal acquisition regulations.

You can't, without doing what Jim said earlier, get down into the field and give some Nigerian human rights defenders, you know, a small grant for peacebuilding. I mean, they just don't know how to account for the money.

So it requires a lot more—you know, these—a lot of that money gets sucked off in overhead, I would suggest to you.

Mr. MAST. Elaborate on that. When you say sucked off in overhead let me—I brought up the example numerous times. We almost had a whole hearing on the atheism in Nepal. But the numbers are round and so we'll use it as an example—\$500,000 to expand atheism in Nepal.

It was denied here for several hours until we ultimately held it up, and then afterwards the people that were here denying it for 2 hours called me afterwards and said, oh, crap, sorry, and we missed half of the slides in the program. By the way, here they are. The lawyer sent it to us.

But when you look at that \$500,000 Nepal's probably daily wage is what, probably \$2 a day on average, something like that there. So what do you think the \$500,000 went to? I know this is a pure speculation question.

But was it \$50,000 toward producing 100 slides to give a PowerPoint and then the other \$450,000 in paying salaries for people at some NGO sitting in England? Or what is it?

Mr. DESTRO. Well, this is pure speculation. Jim would probably know better what the overhead rates are.

Mr. RICHARDSON. I mean, yes. I could talk a little bit about sort of generically rather than the specific because I don't know the specific project.

The challenge that we have—and you're exactly right. So what we end up doing is we'll give a grant to an NGO in London who will then hire some random German to then fly to Uganda and set up a program where there will be an office, there'll be an office space, there'll be this guy's family or this girl's family and then they'll run a program, which will have slides, an office, and those types of things.

Once you start getting to the actual implementation of the program what we often see is a 50 percent overhead rate, and there's been efforts afoot to try to limit the overhead rate and it's different between contractors and grantees and what that actually does is different based upon the type of program, the sector, the region that you're operating.

But there's a lot of countries that do foreign assistance that really try to limit overhead to under 10 percent, which I think is the right metrics and right approach.

Mr. MAST. And would you say what you're outlining is par for the course whether you're talking about DRL or USAID or Commerce or take your pick of where the dollars might be coming from in terms of aid going abroad?

Mr. RICHARDSON. Every agency is different but I do think that there's general consensus about that is the way most of the—at least on the foreign assistance side at State and AID there is a consistency.

As the former Congressman said, I mean, you have—DRL does sort of micro grants where aid sort of lives in the \$1 million to \$5 million range. So there's a little bit of difference in scale which allows you to have different expectations and there's—but there's also different levels of programming.

Often you'll see 5-year programs run out of aid or you may have shorter out of DRL. So it just depends on each one.

Mr. MAST. The chair now recognizes Mr. Crow for 5 minutes.

Mr. CROW. Thank you, Mr. Chairman.

You know, we heard today that DRL does somewhere in the neighborhood of a thousand grants, hundreds of millions of dollars, but the majority keeps on coming back to this supposed atheism grant in Nepal, and I just want to make the record really clear here.

This is a grant that was done through the International Religious Freedom grant program at DRL and it directly implements an amendment to the Frank Wolf Act that was introduced and supported by a Republican member of this committee who actually supports this program.

The programming grant on the State side followed proper process and it supported a mission to support religious freedom broadly. This is about religious freedom broadly in Nepal.

But that includes nonbelief. So just because one element of this is nonbelief doesn't mean that's the focus of the entire program. This is about religious freedom in Nepal broadly.

And there was a comment that, you know, there's no evidence that atheism is under attack in Nepal and I would like to submit

into the record a report—a country update on Nepal from the United States Commission on International Religious Freedom from August 2023 that specifically talks about the assaults on religious freedom including nonbelief in Nepal.

If I may submit this for the record.

Mr. MAST. So ordered.

[The information referred to appears in the Appendix:]

Mr. CROW. So I just think it's really important that we baseline and we talk about facts here, right, because the challenge is and when we cherrypick individual instances of grants, some of which could be done better, right—we talked about this.

There's always room for improvement. There's always things that can be done better. But we use those cherrypicked instances to then broaden out and talk about the grant process overall. That can be very dangerous.

So, Mr. Malinowski, I'd like to just come back to you about your experience. You know, what can we do better, right, but also what do we do well?

Mr. MALINOWSKI. Yes. And just to reinforce your point, look, the the religious freedom programs are wonderful and that a hundred percent came from the Republican side of the House originally is something that the State Department needed to do.

When we're funding an NGO, say, in Iraq that is working with the Christian minority in that country, helping them, empowering them to stand up for their rights, we're not promoting Christianity any more than this grant was promoting any particular religion. It's promoting people's right to stand up for their beliefs.

To your point, the broader point—and I think this is really important—Mr. Richardson at one point rightly said that it should be our goal to localize, right.

We don't want to be giving all the money to some, you know, group in London that works through a contractor in Germany where most of the money is not actually going to help the people on the ground.

The reason why we sometimes do that is because there's oversight. We don't want the money to be misspent. We want to know what's going on.

You guys are pushing us for more oversight or pushing the State Department and that pushes in the direction of more bureaucracy, of more people in fancy offices in Western countries doing more paperwork to make sure we don't have even a single example of something not going in the right direction.

So there's a balance here. We want more of the money to go locally. We want some freedom to experiment, right. I mean, any of us who have led a team in the military, in the State Department, know it's best to empower—you know, to hire good people, empower them to go out, be creative, and not have to ask for permission for everything.

But there's got to be some oversight because, you know, if you don't have it there will be mistakes.

And so there has to be balance and that means, yes, you got to hold the State Department accountable if you see something you don't like.

But understand if they never do anything you don't like that's probably because there's too much bureaucracy, too much control from the top, and we're not actually getting the really good programming that comes from a little bit of freedom and flexibility. Keep that balance.

Mr. CROW. And in the remaining time, Mr. Malinowski, what would be the impact, in your view, of an 11 percent across the board cut to the State and foreign ops program?

Mr. MALINOWSKI. Yes. Well, it's actually not across the board. I think I looked at what the committee did. One of the things they did, for example, was eliminate all funding for the United Nations general budget.

I know the U.N. is a whipping boy around here but, Okay, you want to end sanctions enforcement on North Korea and Iran and on ISIS and on al-Qaeda? That's what would happen if we did that.

There are a lot of things the U.N. does that don't get a lot of attention because we agree with them. We tend to only pay attention to the things we don't like.

So massive cuts like that would absolutely undermine the U.S. national security interest and I sincerely hope we don't go there.

Mr. CROW. Thank you. I'm out of time.

Mr. MALINOWSKI. The programs we're talking about we should be spending more, not less.

Mr. CROW. Thank you. I'm out of time and yield back.

Mr. MAST. Thank you, Ranking Member Crow.

I know this is not the time for us to continue to fully hash out Nepal as an issue. We argued it plenty for several hours here before.

But I would say that if the paper, the document, that State Department literally puts forward on this grant for Nepal says expanding atheism.

I would say expanding is promoting and I would further make the point that the folks on the ground said that atheism was not one of the marginalized groups. Atheists were not one of the marginalized groups in Nepal.

This was absolutely an instance—Mr. Malinowski, I think you used an appropriate word, experimentation. I don't think the American people want their dollars used for experimenting on whether atheism should be expanded in some country abroad.

And I appreciate the comments on it. I appreciate the thought on it. But I entirely disagree regardless of where the policy came from.

I believe it is now back to Mr. Mills for 5 minutes.

Mr. MILLS. Thank you so much, Mr. Chairman.

Look, I want to talk about this whole grant and localization thing but I also want to talk about how these grants has not seen any national security strategic success in goals.

Let's go back to Afghanistan and Iraq. I spent 7 years in Iraq, almost 3 years in Afghanistan. I've worked with the State Department, I've worked with the government. I've worked with the agencies. I've worked in uniform.

And I've watched the gross abuse of programs like Black & Veatch's Kandahar Helmand Power Project, the idea of being able to spend billions and billions of dollars that we're going to do hydro

turbine electricity to Kandahar Helmand and that's somehow going to work.

Are you aware with what happened with that project, Mr. Malinowski?

Mr. MALINOWSKI. No, and, again, what we have been focused on here is we do need to distinguish between big economic development projects and what—

Mr. MILLS. But this isn't—this didn't start out as a big economic development program. Originally they were saying that we're going to give small grants to the people that are there to do construction areas just to try and refurbish what was existing.

Then that failed. Then it was, Okay, now we need to grow this a little bit bigger. Okay, now that failed. Now we need to go ahead and bring in all new equipment. Now that failed. And then it starts to get to the tunes of billions and billions of dollars.

And you said something, that USAID doesn't do small grants. Well, I know for a fact that in Libya you had organizations like DAI and also Creative Associates and also Chemonics who's given \$1,000 to \$5,000 grants. They were giving grants.

Do you want to know what one of those was for? It was to buy speaker equipment for a local rapper because they thought that if he made music about governance that that was going to stabilize the Nation.

Does that seem like that's what American taxpayers want to see is their money being spent to buy rap equipment for people in a nation which has nothing to do with stabilization and never had any actual impact whatsoever?

These are the things that—my point in bringing up these failed programs is that we have tried the monitoring evaluation. We contract one company.

We then contract a company like Management Systems International—MSI—who's supposed to be the M&E gurus and experts, who then spend even more money and then they can't even track the money they're spending for M&E while trying to also track the money that's being done to the implementing partner.

And then we talk about this grand scheme of we're going to do localization. Let's talk about localization. The only difference is instead of the Thursday night debauchery that goes on by most of the expats that are over there celebrating drinking on a Thursday night like they did in Iraq, Afghanistan, all the rest, you then just have them refilling boots and positions here in D.C. and calling themselves deputy chiefs of party, chiefs to the party, you know, program assembly manager, all this.

You're not saving any money by trying to do this localization route and, in fact, I would argue that we saw actually a lot more corruption in Iraq as a result of that whenever we were building bridges that were \$750 million and then all of a sudden come to find out half the bridges when we investigated hadn't even been built.

My issue is that I don't see where cash diplomacy has been successful. I don't see where that's stabilized nations. Where's Iraq right now? Where's Afghanistan right now? Where's Libya right now?

We spent trillions of dollars in these nations and then we throw it out when we do things like the 2005 Iraq constitution under Article 76 that establishes sectarianism, which hasn't existed since preapartheid eras in North Ireland.

My point is is that we can talk about M&E and all this. I disagree with your assertion that, you know, the U.N. enforces all these grand sanctions.

What about the sanctions on Iran right now? How's that working with regards to ensuring that they don't export more oil than they've ever done in their history under this administration?

Is that—do you think they're imposing sanctions? Do you think they're actually upholding things? No. General Guterres and Ban Ki-moon under Resolution 2231 knew there was midrange ballistic missile, you know, violations and, yet, they did nothing to actually prevent it.

So tell me again how cash diplomacy makes national security a priority.

Mr. MALINOWSKI. Well, we heard about Iran sanctions, people getting drunk, and projects in Afghanistan. There's a lot to respond to.

Mr. MILLS. Do you dispute any of those, though? I mean, I've seen—

Mr. MALINOWSKI. I don't even know how to make sense of what you just said. But, you know, you asked me. Let me take—

Mr. MILLS. Making sense of it is simply this, that the past formula doesn't work, Mr. Malinowski.

Mr. MALINOWSKI. Let me take a piece of it. You asked—you asked about—

Mr. MILLS. That's what I'm saying.

Mr. MALINOWSKI. You asked about how does helping a rapper who might be spreading a message about democracy help as well.

You know, I recall that in the 1950's, 1960's, 1970's, and 1980's we helped defeat the Soviet Union in part by supporting artists and writers and cultural people and radio programmers and musicians and people who were spreading the culture of democracy through art in Europe.

You talk to any dissident in Eastern Europe who went through that and they would say that's one of the most effective things that we did.

Mr. MILLS. Where is Libya now. Are they a failed state?

Mr. MALINOWSKI. What's that?

Mr. MILLS. Would you consider Libya a failed state?

Mr. MALINOWSKI. I'm talking about Eastern Europe.

Mr. MILLS. I didn't mention Eastern Europe. I mentioned that specific program just to show that this is not being effective and I asked how national security has improved.

Mr. MALINOWSKI. Much of the things we try to do are going to—are not going to be successful.

Mr. MILLS. I agree with that.

Mr. MALINOWSKI. When I was at DRL I used to make an analogy—a baseball analogy to my team. I said that if you're batting .300 in a world where you're going after—you're going up against dictators, sociopaths, mass murderers, if you're successful—

Mr. MILLS. Well, at \$35.6 trillion in debt I don't think that we can be batting a .300 for the American people.

Mr. MALINOWSKI. Well, it's better than batting zero.

Mr. MILLS. Well, I can tell you right now we are batting zero.

Mr. MALINOWSKI. If we stop trying you know who's going to cheer? It's going to be—the Russian government and the Chinese Communist Party would love us to stop doing this. Why? If you think it's unsuccessful—

Mr. MILLS. But they're already expanding, sir. You're seeing that Russia, China, Iran, North Korea—

Mr. MALINOWSKI. If you think it's unsuccessful why are all of our enemies passing laws—

Mr. MILLS [continuing]. Geopolitical alignment already expanding. You watched Belt and Road Initiative expand. You've watched China continuing to go into developing nations all across Africa—

Mr. MALINOWSKI. They're fighting.

Mr. MILLS [continuing]. And they've been very successful in this.

Mr. MALINOWSKI. They're fighting.

Mr. MILLS. You're watching Wagner Group down in Chad and CAR who's continued to expand. Now they're in their own Western Hemisphere with economic coercion of Honduras and Panama taking over the canals for treaties, going into Cuba, and actually helping with the fentanyl pill press in the Darien Gap.

So we're not winning the war against China or Russia by going out and doing what you're saying, which is these small funding grants.

Mr. MALINOWSKI. So why are they passing laws and all of their allies to try to forbid us from doing these grants?

Mr. MILLS. Why are we continuing to go ahead and give money but not account for where it's going?

Mr. MALINOWSKI. It's your job to account for where—

Mr. MILLS. Why are we still giving money to the Taliban by paying certain electric bills and housing rental bills that we know falls into the hands of those very people we fought for 20-plus years?

I mean, my point is that I don't believe in what you're doing is successful. I don't believe in the USAID cash diplomacy model and I've seen it fail time and time again firsthand as I sat on these things like RAMP UP North.

And you can continue to do your little eyebrow roll or whatever you'd like to do right now. But you know for a fact that if we go and look at the monitoring evaluation books, SIGAR reports, look at OIG and John Sopko that you can't dispute the fact that a lot of money was waste, fraud and abuse at taxpayers' expenses.

Mr. MALINOWSKI. Well, maybe I'll put you down as a maybe.

Mr. Chairman?

Mr. MAST. All right. I have one final round of questions. I don't know if my colleague has another one. But it's a little bit more open ended for you all.

Let's just simply say any advices, any ideas, that you all have to increase transparency for these grants within the State Department across the board.

Does not have to be DRL where you two spent your time. Could be in USAID. Could be anywhere. Would love to hear those. I think

it's one of the most important things that we can hear from all of you.

Mr. RICHARDSON. The one thing that hasn't really been—you mentioned it briefly in your opening statement but it's branding. We fail to really brand the gift from the American people that we are doing great and amazing work all around the world.

We don't take credit for it. It's often at a little emblem in the bottom of Chemonics' roadway sign thinking that Chemonics is the one who delivered that project that impacted the lives of those people.

No, it was the hard work of the American people paying their taxes that resulted in that, and if we're not proud about it then we shouldn't have done it.

And so I think we should we should definitely pass a strong branding bill and put the American flag on foreign assistance projects.

Mr. MAST. Agreed.

Please, Mr. Destro? Mr. Malinowski?

Mr. DESTRO. Well, thank you. I think that there is a danger for being too narrow in our focus whether or not it's on a local program like Libya, which is a completely failed State, you know, where we actually as a human rights matter have actual slave markets.

You know, but on the other hand you have this focus on the atheism grant. What I'd like to suggest is that we need to pull the aperture back a bit and look at both our domestic and our foreign policy.

We say that we're for religious freedom but we're for deconstructing of the Ukrainian Orthodox Church. You know, the Ukrainian government is arresting priests and nuns.

You know, it stands—it's funding the Greek Orthodox newspapers while standing silent while the Ukrainian—the Organization of Ukrainian Journalists—Orthodox Journalists nothing's said about them

And so we need to be doing—and I'll just give you another example. I spend a lot of time on Xinjiang and on the surveillance State in China.

I went through the Cleveland airport not long ago and was given the opportunity to have my face scanned. You know, so this question of what are human rights and what are we doing both inside and outside the country.

It's not an accident that many countries think we're hypocrites because we say one thing and then we do things with our money that we shouldn't be very proud of.

Mr. MAST. Mr. Malinowski, any suggestions that you might have for transparency within grants? We'd love to hear them.

Mr. MALINOWSKI. So don't get me wrong. I am for transparency and, you know, I was slightly critical of a proposal Mr. Destro made to put everything on a website. I'm actually for putting almost everything on a website. I think it should be easier for—

Mr. MAST. Can we pause there 1 second? Was it a website or was it an internal server—an internal list?

Mr. DESTRO. Right now I'd be satisfied with the internal server. I mean that, I think—because and two Ambassadors have told me that they cannot get the information—

Mr. MAST. That you created. That you created.

Mr. DESTRO. That we created.

Mr. MAST. Was it a public domain website or was it—

Mr. DESTRO. Right. It was based on what they call the Secretary's dashboard. Pulls the money—it pulls the information real time out of the F data base.

Mr. MALINOWSKI. So I think just as an American citizen, like, it would be—I would love there to be a website where you can go and see in a more clear, user friendly way what we're doing in various countries.

If it were very clear it would also point out in many cases that the money spent is not being sent to that country. We had that debate over Ukraine aid. A lot of it is spent in the United States. Some of it is donated as grants to organizations in that country.

That kind of transparency I'm for with the important caveat that applies particularly to DRL programs, less so to AID programs, that when you're working in a dictatorship and there are people who are risking their lives to do the work—anti-corruption, anti-torture, pro-human rights—then it's just common sense and good judgment that we're not going to splash over—all over a website, you know, Mr. Dictator, here's who you should arrest because they're working with the United States. I hope we would all agree with that.

But beyond that, yes, I think the more you guys can push for that the better for everybody concerned. I'm personally proud of most of what the State Department is doing. I'd be happy to see it more transparently presented in that way.

Mr. MAST. Mr. Crow?

Mr. CROW. Thank you, Mr. Chairman.

Mr. Malinowski, I just wanted to give you the opportunity to take some time here to respond to some of the back and forth and issues raised by my colleagues. I know you didn't fully have the opportunity to respond to that. So I'll give you my time.

Mr. MALINOWSKI. Well, thank you. Look, I started out where Mr. Mast started out, by mentioning the Tiananmen Square anniversary, because I think we should be focused on big stuff here on what's important and, in a sense, I think we all agree there is a contest in the world right now between the democracies led by the United States and dictatorships led particularly by China, and we have to be spending money in a variety of ways all over the world if we want to win that contest.

And I am very concerned when I hear that because of some Members of Congress being concerned about a particular grant, which is fine—that's normal.

That's your job even if I may—we may disagree about the merits of that particular grant. That you have a situation where right now I'm told about 60 percent of the grant funding the DRL has is held by members of this committee.

If you disagree with \$20,000 that might have indirectly contributed to a canceled drag show in Ecuador, whatever, we can argue that. It should not be an argument for holding 60 percent of money that is absolutely critical to people who I think all of us would agree are fighting for good things like religious freedom and human rights in countries around the world who are in effect defending

the gospel of liberty, freedom, and human rights that is associated with America in opposition to what China and Russia are spreading in the world.

And so absolutely conduct oversight but do it in a serious and responsible way that protects and enhances the important things that the State Department is doing in response to congressional pressure, in most cases, to stand up for our values and our interest.

That would be my plea to you today. This has been bipartisan for as long as I have been working on these issues for over 20 years. That needs to remain.

Mr. CROW. Thank you. And I just also wanted to get your thoughts on a couple of times the issue of money provided to folks under assault in Afghanistan falling into the hands of the Taliban and, you know, we support people fighting for freedom and democracy and their rights that are under oppressive regimes pretty regularly, right.

You had mentioned North Korea. You'd mentioned Iran. You'd mentioned Cuba. Of course, Afghanistan is another example.

Can you just briefly discuss what controls and checks are in place when we do that to make sure that, you know, that money is not misappropriated or fall into the wrong hands.

Mr. MALINOWSKI. So, again, really important to distinguish between the types of things that SIGAR would evaluate.

These are, largely, big infrastructure and development projects where you've got a lot of local business contractors and the funding that I'm most familiar with, which is in Afghanistan going to go to maybe support some journalists who are still trying to do actual journalism against the Taliban in the country or a small grant that might help a women's rights group have an office or pay for a court case or do the things that they need to do to stay alive.

We have safeguards for all of these projects, even for the very small ones. There's project evaluation reviews, external evaluation that goes into a lot of these projects. But for the most part I'm not so worried about a little women's rights NGO in Afghanistan.

That grant is not going to end up in the hands of the Taliban. That is 100 percent in our interest, it's the right thing to do, and the Taliban hopes and prays we stop doing it. So keep that in mind.

Mr. CROW. Okay, thank you. Chairman, I yield back.

Mr. MAST. Mr. Mills?

Mr. MILLS. We talked about human rights and I want to key off something. Do you think what's happening in our southern border with regards to the amount of human and child trafficking is a human rights tragedy?

Mr. MALINOWSKI. Human trafficking is a horrible human rights tragedy, yes.

Mr. MILLS. Do you think that the open borders are leading to an increase in human rights violations?

Mr. MALINOWSKI. I do not believe we have open borders on the southern border, Congressman.

Mr. MILLS. You don't believe that the 9.8 million people who's crossed our borders illegally that that is an increase in what we have seen in previous administrations?

Mr. MALINOWSKI. I don't think we're going to have the time to debate our border policy here, Mr. Mills. But no, I do not—

Mr. MILLS. Mr. Malinowski, we will actually be able to debate whatever the chairman actually allocates the time on, correct?

Mr. MALINOWSKI. Okay. That's fine.

Mr. MILLS. You've sat in Congress. You know how this works.

Mr. MALINOWSKI. I do.

Mr. MILLS. So my point is is that if we're worried about the human rights violations—and it is atrocious what's happening.

We know what the cartels and what others are doing with regards to—almost 40-plus percent of the revenue they took in, you know, it's \$500 million in cartel revenue in 2018. Fast forward to 2022. We're over \$13 billion in cartel revenue.

Mr. MALINOWSKI. Yes. They're gaming our asylum policy.

Mr. MILLS. And we're seeing where there's millions upon millions of people crossing our borders of which many are being used and thrown into child and sex trafficking and sex slavery, things like this, which is a pretty atrocious thing I think we all could agree on.

Wouldn't our money be better allocated focusing on human rights violations and things like that that directly impacts our country more so than throwing money to other nations where we're not going to make—I mean, it's a drop in the bucket. It's not going to make an impact.

Mr. MALINOWSKI. So No. 1, that's why I wish and still hope that you guys pass a bipartisan bill that is the toughest—

Mr. MILLS. You mean H.R. 2, Secure the Border Act, which actually was passed over a year ago sitting in the Senate and the Democrat control?

Mr. MALINOWSKI. The bill that a bipartisan coalition in the U.S. Senate agreed to that was not passed—

Mr. MILLS. But didn't even pass the Senate.

Mr. MALINOWSKI [continuing]. Because the nominee of your party for president said it won't help him in getting reelected.

Mr. MILLS. Well, but wait a second. Well, let's talk about border policy now that you brought that up, though. Doesn't the President have executive order with unilateral authority under 212 Section F to immediately secure the border?

Mr. MALINOWSKI. My understanding is he's going to be issuing that executive order.

Mr. MILLS. Why did he wait until right around the election period of time as opposed to closing it before 11 million people come across the border?

Mr. MALINOWSKI. I can't speak for him but I think he probably would have preferred—

Mr. MILLS. Or 70,000 to 100,000 who died of fentanyl overdose or the criminals who have actually killed people like Laken Riley or even my own State legislator Kiyan Michael whose son was killed by an illegal who crossed illegally three times back into the country.

Mr. MALINOWSKI. My guess is that he hoped Congress would do its job and when Congress explicitly said, we will not do our job because Donald Trump is ordering us not to then now the president is—

Mr. MILLS. So there's no Federal—well, wait, Mr. Malinowski. Isn't there Federal laws already in place to ensure the security of our borders?

Mr. MALINOWSKI. There are quite a few Federal laws but they need to be funded.

Mr. MILLS. Well, and they are funded. H.R. 2, which actually passed the House because like you just pointed out the Senate has supposedly a bipartisan bill, which is an amnesty bill, that wouldn't even pass its own chamber.

But ours actually passed over a year ago which can make tangible result and impact. And, yet, the Senate hadn't taken that up.

Now, that's not a Republican issue or a Democrat issue. This is an American issue that we need to secure our borders and need to we'd take care of things.

Mr. MALINOWSKI. That's why Republicans and Democrats need to work together as they did to produce something that both sides can support with compromises on both sides.

It would—a lot of Democrats embrace that mostly Republican bill in the Senate because they understood they have to make compromises, and the Republican sponsor of that bill, one of the most conservative Republicans in the U.S. Senate——

Mr. MILLS. Well, I would disagree with that.

Mr. MALINOWSKI [continuing]. Said the only reason we are not doing this is because our nominee from President said it would hurt him politically to secure the border before the election and as a result——

Mr. MILLS. And then he also came back and actually said that his bill—and this was said by both Democrats and Republicans in the Senate—that the bill wouldn't actually secure our borders and that more would actually be needed. My point is is that we talk about human rights.

Mr. MALINOWSKI. So we can—so let's start somewhere.

Mr. MILLS. We talk about all the things that are significant and important. We talk about—the American people is the most important. That's who we're fighting for. That's who we take the taxpayers' money to provide and protect for.

My own borders and the human rights violations on—I was just in south Texas for 3 days ago, right there in Mission, Texas, and going down the borders and watching where I can tell you it was not secured. It was not—it was very much an open border.

Mr. MALINOWSKI. A great country can secure its border and lead in the world. I'm looking at these paintings looking down on us right now and the people who have sat in that chair, Republicans and Democrats, who have believed what every Democratic and Republican president of my lifetime has believed, the United States can take care of its own people and we can lead in the world.

Mr. MILLS. But we can't at \$35.6 trillion where next year we will pay more in interest payments than we'll pay in national defense. First time in history. Only 28 nations in the world's history has ever paid 130 percent GDP and only one survived, which is Japan.

America is becoming the next fiscal experiment and I don't think at \$35.6 trillion with our GDP to national debt ratio being where it's at, with the attack on fossil fuels, with the open borders, with

the continuation of funding these kinetic wars that we don't need to be involved in.

And, sir, I've fought enough kinetic wars to not want to be involved in more or to put another man or woman on the battlefield in an area that has nothing to do for a neocon-neolib interventionist mind set. I'm not an isolationist but I'm a protectionist.

Mr. MALINOWSKI. Well, then—

Mr. MILLS. And so I think that utilizing money in the right way in human rights on the border matters.

Mr. MAST. The gentleman's time has expired.

The chair now recognizes Mr. Crow for a closing statement.

Mr. CROW. Thank you, Chairman, for calling this important hearing and thank you to all the witnesses today for having a robust discussion and talking about some areas for improvement in oversight.

There is no organization in the world, whether we're talking about a business, a family, a government agency, or a department that can't find ways of improving.

That's why this committee is so important and I look forward to working with all of you and the chairman and finding ways that we can promote transparency, that we can maybe look at options for putting appropriate grants that would not jeopardize people's lives on, you know, internal or external portals to improve those processes. There's, certainly, ways of doing that, certainly, ways of improving it.

But, you know, I come back to what I was talking about earlier, this idea of taking specific incidents of things that didn't go as they were supposed to go and then using those to attack the entire system, and to say that grants writ large are not working and effective is just a non sequitur.

These programs are extremely valuable for our Nation. You know, I will push back on this idea that we don't have the ability to take care of ourselves at home and the world at the same time.

You know, if we are going to be a great power and if we're going to be a leader in the world we have to do both and we have to do both not just because it's charity and not because we just want to. Because it's in our self-interest to do both.

If history has ever shown or taught us anything it's that when we pull inward and we neglect the world and we don't pay attention to conflict and oppression in other places it eventually finds us and it comes to our door. Over and over again that is the lesson of history.

So these investments are to prevent those problems from coming to our door and threatening the American people. It's in our national security interest.

It's in our economic self-interest and these are investments that are targeted, that have great return on investment in many cases. Not all of them.

We'll always work on improving. We'll work on figuring out areas where we can course correct when necessary.

But to cut these programs and attack these programs writ large is the wrong answer and it doesn't serve our interests and it doesn't serve the interests of the American people.

So with that, I thank all the witnesses and I yield back, Chairman.

Mr. MAST. Thank you, Ranking Member Crow. I recognize myself for closing statement.

I thank you all for your testimony, for your service to America. I don't like personally when it's ever flippantly said any organization has room for improvement, any organization can find a few places where dollars were wasted and they can root that out and we should fix that.

There's a very specific and important difference between the U.S. Government and any organization. The U.S. Government gets every single dollar from we the people.

People go out to work. They work all night. They work one job. They work three jobs. The government takes their money and then doesn't just build a road so that they can get to and from work or to and from school with their kids or whatever.

They send it to countries thousands of miles away at what everybody has agreed upon, which is a larger extent than every other country combined. This is not a situation where we can say, yes, every organization has room for improvement and we just need to do it a little bit better.

There is tremendous room for this to be—that's an understatement, to be done better. There is absolutely waste and abuse and there's absolutely policy that's being made by the personnel that are out there authoring grants, soliciting grants, that is not connected to broader goals that every agency is working in tandem to achieve and that doesn't work for the American people.

We did speak briefly about the idea of earmarks and comparing earmarks to transportation earmarks here domestically. I wish, personally, if I could make the policy law that every grant that goes abroad—every solicitation for a grant that goes abroad—be treated like a domestic earmark where some Member of Congress had to come in here and request that specifically, that half a million dollars for Nepal or that \$20,000 for drag shows in Ecuador or the thousands of other things that exist within USAID or other places.

I wish that members had to come in here, make the case, speak to the diplomats that are going to be executing those things on the ground, and come in here and make the case to the appropriators they want that earmark.

I wish that that was the case. I think there would be a lot less requests for these grants and I think there would be a much higher level of accountability. I wish and I will continue to work for policy that these grants not be automatically reauthorized from not just being executed in 1 year but being executed 2 years, 3 years, 5 years in a row without them being looked at again.

I don't think that that is responsible to the American people, especially when, again, I believe many of these grants and these solicitations for grants are avowedly left wing and radical policies that are being funded through the taxpayers through the State Department by writing a grant and then that agency is writing a sub grant or a sub grant to that, which nobody ever gets eyes on, certainly not the U.S. taxpayer.

That being said, thank you for the comments about where you see room for improvement, where you see the ability to improve this process. I will continue to work in some of the ways that you all brought up and some of the ways that I just brought up and in that.

Pursuant to committee rules all members will have 5 days to submit statements, questions, and extraneous materials for the record subject to the length limitations.

And without objection, this committee stands adjourned.

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

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD



**COMMITTEE ON FOREIGN AFFAIRS
SUBCOMMITTEE HEARING NOTICE
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128**

**Subcommittee on Oversight and Accountability
Brian Mast (R-FL), Chairman**

May 28, 2024

Revised

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs to be held by the Subcommittee on Oversight and Accountability at 10:00 am in room 2172 of the Rayburn House Office Building. The hearing is available by live webcast on the Committee website at <https://foreignaffairs.house.gov/>.

DATE: ~~Wednesday, May 22, 2024~~
Tuesday, June 4, 2024

TIME: 10:00 am

LOCATION: 2172 RHOB

SUBJECT: Money is Policy: Assessing Shortcomings in the State Department's Foreign Assistance Grants Process

WITNESSES: ~~Max Primorae~~
** ~~Senior Research Fellow~~
~~Margaret Thatcher Center for Freedom~~
~~The Heritage Foundation~~

Robert A. Destro
Former Assistant Secretary
Bureau of Democracy, Human Rights, and Labor
U.S. Department of State

** James L. Richardson
Former Director of the Office of Foreign Assistance
U.S. Department of State

**

Tom Malinowski
Former Assistant Secretary
Bureau of Democracy, Human Rights, and Labor

*NOTE: Witnesses may be added.

By Direction of the Chair

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202-226-8467 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS
MINUTES OF FULL COMMITTEE HEARING

Day Tuesday Date June 4, 2024 Room RHOB 2172

Starting Time 10:09 AM Ending Time 12:12 PM

Recesses ☐ (___ to ___) (___ to ___) (___ to ___) (___ to ___) (___ to ___) (___ to ___)

Presiding Member(s)
Chairman Mast

Check all of the following that apply:

Open Session ☒
Executive (closed) Session ☐
Televised ☒

Electronically Recorded (taped) ☒
Stenographic Record ☒

TITLE OF HEARING:

Money is Policy: Assessing Shortcomings in the State Department's Foreign Assistance Grants Process

COMMITTEE MEMBERS PRESENT:

Attached

NON-COMMITTEE MEMBERS PRESENT:

HEARING WITNESSES: Same as meeting notice attached? Yes ☒ No ☐

(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

Attached

TIME SCHEDULED TO RECONVENE _____

or
TIME ADJOURNED 12:12 PM

Meg Wagner
Full Committee Hearing Coordinator

House Foreign Affairs Subcommittee on Oversight and Accountability

118th Congress

ATTENDANCE

Meeting on: “Money is Policy: Assessing Shortcomings in the State Department’s Foreign Assistance Grants Process”

Date: June 4, 2024

Convened: 10:09 AM

Adjourned: 12:12 PM

[illegible]

Statement from Chairman Brian Mast (R-FL)
 House Foreign Affairs Committee – Subcommittee on Oversight and Accountability
 06/04/2024 Hearing – Money is Policy: Assessing Shortcomings in the State Department’s
 Foreign Assistance Grants Process

Upon review of the United States Commission on International Religious Freedom (USCIRF) report “Religious Freedom Conditions in Nepal,” submitted to the record by Ranking Member Jason Crow, it has come to my attention that he mischaracterized the report’s contents. At issue, Mr. Crow claimed the report “specifically talks about the assaults on religious freedom, including non-belief, in Nepal” and submitted it in response to Former Assistant Secretary Robert A. Destro’s statement that “there’s no evidence that atheists are a persecuted class in Nepal.”¹

However, having read the report, it *does not* “specifically” discuss “assaults on . . . non-belief[] in Nepal.”² The report analyzes how Nepalese law “violate[s] protections for the right to freedom of religion or belief under international human rights law.”³ But it gives no indication that non-belief, or analogous notions like atheism or humanism, are within its ambit.⁴ For instance, in its introduction, the report states that “Nepal’s National Penal (Code) Act criminalizes proselytism, blasphemy, and cow slaughter, disproportionately impacting the country’s Buddhist, Christian, and Muslim populations.” It proceeds to describe the negative effect of Nepalese laws on Buddhists, Christians, and Muslims but not non-believers.⁵ Similarly, in a chart entitled “Nepal’s Religious Demography,” the report categorizes Nepali religious beliefs as “Hindu,” “Buddhist,” “Muslim,” “Kirat,” “Christian,” or “Other,” indicating that it does not conceptualize non-belief as a religion for its purposes.⁶ In fact, the report’s only mention of non-belief comes in its discussion of international law regarding anti-proselytism, which is irrelevant to the alleged persecution of atheists in Nepal.⁷ In sum, the report does nothing to rebut Mr. Destro’s statement.⁸

This conclusion is unsurprising given other reporting on Nepalese religious freedom. The USCIRF 2024, 2023, and 2022 Annual Reports contain no mention of atheism, humanism, or non-belief in Nepal, whereas, for example, the 2022 report does discuss “the persecution of

¹ <https://www.youtube.com/watch?v=LA8mDCAechc&t=3574s> 45:42-45:49, 1:34:19-1:34:40.

² <https://www.uscifr.gov/sites/default/files/2023-08/2023%20Nepal%20Country%20Update.pdf>;

<https://www.youtube.com/watch?v=LA8mDCAechc&t=3574s> 1:34:24-1:34:40.

³ <https://www.uscifr.gov/sites/default/files/2023-08/2023%20Nepal%20Country%20Update.pdf> p. 1.

⁴ <https://www.uscifr.gov/sites/default/files/2023-08/2023%20Nepal%20Country%20Update.pdf>.

⁵ <https://www.uscifr.gov/sites/default/files/2023-08/2023%20Nepal%20Country%20Update.pdf> pp. 2-4.

⁶ <https://www.uscifr.gov/sites/default/files/2023-08/2023%20Nepal%20Country%20Update.pdf> p. 1.

⁷ See <https://www.uscifr.gov/sites/default/files/2023-08/2023%20Nepal%20Country%20Update.pdf> p. 3.

⁸ See <https://www.youtube.com/watch?v=LA8mDCAechc&t=3574s> 45:42-45:49.

Christian converts under Nepal's proselytization laws."⁹ Likewise, the State Department's 2022, 2021, and 2020 Nepal International Religious Freedom Reports do not describe any persecution of atheists, humanists, or non-believers, while they do document numerous mistreatments of Christians and Muslims.¹⁰ If evidence suggesting the persecution of atheists in Nepal existed, one would expect these thorough reports to contain it.

Sincerely,

Brian Mast
Chairman
Subcommittee on Oversight and Accountability

⁹ <https://www.uscirtf.gov/sites/default/files/2024-05/USCIRF%202024%20Annual%20Report.pdf>; <https://www.uscirtf.gov/sites/default/files/2024-01/AR%202023.pdf>; <https://www.uscirtf.gov/sites/default/files/2022%20Annual%20Report.pdf> p. 69.

¹⁰ See <https://www.state.gov/wp-content/uploads/2023/04/441219-NEPAL-2022-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>; <https://www.state.gov/wp-content/uploads/2022/05/NEPAL-2021-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>; <https://www.state.gov/wp-content/uploads/2021/05/240282-NEPAL-2020-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>. The 2020 and 2021 reports do mention the Society for Humanism Nepal in the context of its statements on the number of "individuals . . . arrested for cow slaughter." <https://www.state.gov/wp-content/uploads/2021/05/240282-NEPAL-2020-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf> p. 7; <https://www.state.gov/wp-content/uploads/2022/05/NEPAL-2021-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf> p. 7. However, the reports give no indication that the arrested individuals were humanists and do not otherwise discuss humanism. <https://www.state.gov/wp-content/uploads/2021/05/240282-NEPAL-2020-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf> p. 7; <https://www.state.gov/wp-content/uploads/2022/05/NEPAL-2021-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf> p. 7.



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USCIRF's Mission

To advance international freedom of religion or belief, by independently assessing and unflinchingly confronting threats to this fundamental right.

Religious Freedom Conditions in Nepal

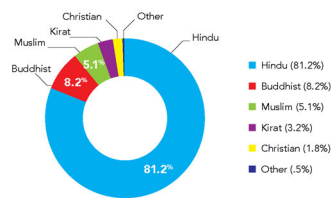
By [Sema Hasan, Policy Analyst](#), and [Luke Wilson, Researcher](#)

Overview

Nepal's 2007 constitution formally established the country as a secular state and ended the country's centuries long rule by a Hindu monarchy. It enshrined some protections for religious minorities while simultaneously creating new challenges for religious freedom. Although the constitution does not formally favor any one religion over another, Hinduism remains influential in Nepali society, sometimes to the exclusion of those adhering to other religions. Nepal's National Penal (Code) Act criminalizes proselytism, blasphemy, and cow slaughter, disproportionately impacting the country's Buddhist, Christian, and Muslim populations.

This country update provides an overview of religious freedom conditions in the country by examining how Nepal's criminalization of proselytism, blasphemy, and cow slaughter violate protections for the right to freedom of religion or belief under international human rights law. It also examines how legal impediments outside of the constitution and National Penal (Code) Act, 2017, violate the right to freedom of religion or belief under international human rights law.

Nepal's Religious Demography



Nepal's population is approximately 31 million

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Nepal's Legal Framework

Nepal's legal framework provides only limited protections for the right to freedom of religion or belief. Article 4(1) of Nepal's [constitution](#) establishes the country as secular. [Article 18](#) prohibits state and non-state actors from discriminating on the basis of religion, and [Article 26\(1\)](#) further provides that every individual "who has faith in religion shall have the freedom to profess, practice, and protect" his or her religion. However, Nepal's legal framework also violates international human rights law's protections for the right to freedom of religion or belief by criminalizing proselytism, blasphemy, and cow slaughter.

Anti-Proselytism Law

The Nepalese constitution qualifies an individual's right to freedom of religion or belief. Article 26(3) provides that no person shall "convert another person from one religion to another." [Articles 158\(1\)](#) and [158\(2\)](#) of Nepal's National Penal (Code) Act, 2017, effectuate Nepal's constitutional prohibition on proselytism. Article 158(1) criminalizes converting "any one from one religion to another" and attempting or abetting a conversion. Article 158(2) criminalizes the conversion of "anyone into another religion, whether by inducement or not, in a manner to so undermine or propagate such religion or opinion with the intention of making such conversion." Violations of Articles 158(1) and 158(2) are punishable by imprisonment for up to five years and a fine of up to 50,000 Nepalese rupees (\$375).

Nepal's prohibition on proselytism violates international human rights law's guarantee that individuals have the right to change their religious beliefs. [Article 18](#) of

the Universal Declaration on Human Rights (UDHR) provides that every individual has the right to freedom of religion or belief including "freedom to change" his or her religion or belief. [Article 18\(1\)](#) of the International Covenant on Civil and Political Rights (ICCPR) provides that every individual has the "freedom to have or to adopt a religion or belief" of the individual's choice. Article 18(2) of the ICCPR further provides that no individual "shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice." [General Comment 22](#), the United Nations Human Rights Committee's (UNHRCtee) interpretive guidance to Article 18 of the ICCPR, affirms that the right to freedom of religion or belief does "not permit any limitations whatsoever...on the freedom to have or adopt a religion or belief of one's choice." Exposing individuals to criminal sanctions if they persuade or support another individual to convert, as Nepal's National Penal (Code) Act, 2017, does, is a limitation on the freedom to have or adopt a religion or belief of one's choice. Individuals will be deterred from converting to a religion of their choice if those who have persuaded or supported them to convert will be fined or imprisoned as a result.

These prohibitions also violate the rights of individuals who seek to persuade or support another individual to convert. The United Nations Special Rapporteur on freedom of religion or belief [notes](#) that Article 18 of the ICCPR protects "non-coercive attempts to persuade others" to convert. The Special Rapporteur also states that Article 19 of the ICCPR protects "communicative outreach activities aimed at persuading others, including religious discourse."

International human rights law does, however, prohibit coerced conversions. General Comment 22 states that Article 18(2) of the ICCPR prohibits “coercion” including “the use of threat of physical force or penal sanctions to compel believers or non-believers to...convert.” The UNHRCtee further notes that other policies or practices that intend to or have the effect of compelling believers or non-believers to convert, such as those restricting access to education, medical care, employment, or other rights guaranteed by other provisions of the ICCPR, violate Article 18(2). Yet, Nepal’s legislation does not prohibit only forced conversions; it prohibits all proselytism. In fact, various reports indicate that authorities have arrested individuals under Nepal’s anti-proselytism legislation for engaging in non-coercive missionary activities permissible under international human rights law.

In 2021, two South Korean nuns were arrested for “illegal conversions” in Pokhara. The two women had distributed food to poor Pokhara residents during the COVID-19 pandemic, an act that some viewed as an attempt to convert individuals to Christianity. After being detained for two months, the nuns were released on bail by the Nepali High Court. Similarly, in July 2022, 33-year-old Pastor Keshav Acharya was sentenced to one year in prison for allegedly attempting to convert Hindus to Christianity. The sentence followed the Dolpa District Court’s November 2021 conviction of Acharya under the penal code’s anti-proselytism provisions. Authorities alleged that Acharya violated the anti-proselytism law in March 2020 by spreading false information about COVID-19, based on a YouTube video depicting the Pastor praying to Jesus for an end to the virus. He is considered the first person convicted under the country’s anti-proselytism law. Acharya appealed his sentence and in January 2023 was released on bail pending a hearing.

Despite Nepal’s anti-proselytism laws, the number of Christians in the country has surged in recent years. While exact figures are difficult to estimate, reports indicate a notable increase over the last decade, with most converts among Dalits or indigenous peoples. In Nepal’s Dhading district alone, missionaries have established nearly 70 churches, relative to nearly 8,000 throughout the country. Nonetheless, some politicians, including Nepal’s former deputy prime minister, Kamal Thapa, view the proliferation of Christianity as a threat. In January 2023, Thapa publicly described Christianity as “spreading like wildfire,” and continues to urge Nepal to enforce the anti-proselytism law and for the country to return to its identity as a Hindu state.

Blasphemy Law

Article 156 of Nepal’s National Penal (Code) Act, 2017, provides that “no person shall outrage the religious feelings of any caste, race, community or class” through “spoken or written” words or through “visible representation or signs or otherwise.” Violations of Article 156 are punishable by imprisonment for up to two years and a fine of up to 20,000 Nepalese rupees (\$150).

Nepal’s criminalization of blasphemy is inconsistent with international human rights law. Article 18 of the ICCPR protects the right of individuals to “manifest” their religion or belief in “public or private.” This right includes the freedom to express a full range of thoughts and beliefs, including those that others might find blasphemous. In addition, Article 19 of the UDHR provides that every individual “has the right to freedom of opinion and expression,” including the “freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers.” Article 19(1) of the ICCPR provides that every individual has the “right to hold opinions without interference.” Article 19(2) of the ICCPR further provides that every individual has the “right to freedom of expression,” including “freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media” of the individual’s choice. General Comment 34, the UNHRCtee’s interpretive guidance to Article 19 of the ICCPR, notes that the right to freedom of opinion and expression protects “expression and receipt of communications of every form of idea and opinion capable of transmission to others,” including “religious discourse...that may be regarded as deeply offensive.” The UNHRCtee further notes that “prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the [ICCPR].”

General Comment 34 does state that if a prohibition on “displays of lack of respect for a religion or other belief system” is consistent with the “specific circumstances envisaged in article 20, paragraph 2, of the [ICCPR],” then such a prohibition might be compatible with the ICCPR. Article 20(2) provides that “advocacy” of “religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.” However, Article 156 of Nepal’s National Penal (Code) Act, 2017, does not prohibit advocacy that constitutes incitement to discrimination, hostility, or

violence. Instead, Article 156 impermissibly prohibits offending religious feelings. As the Special Rapporteur on freedom of religion or belief [notes](#), “The international normative standard is clear: States may not impose punishment for insults, criticism or giving offence to religious ideas, icons or places, nor can laws be used to protect the feelings of religious communities.”

Cow Slaughter Law

Article 9(3) of the Nepali constitution states that the cow is the country’s national animal. [Article 289\(1\)](#) of Nepal’s National Penal (Code) Act, 2017, further provides that no person shall “do, or cause to be done, any act with the intention of killing, or causing hurt to, any cow or ox.” Violations of Article 289(1) are punishable by imprisonment for up to three years if an individual’s act causes the death of a cow or ox, and imprisonment for up to six months and a fine of up to 50,000 Nepalese rupees (\$375) if an individual’s act causes “grievous hurt to a cow or ox.” Additionally, some local governments have begun incentivizing individuals to report instances of cow slaughter. In May 2023, the Narainapur Rural Municipality [decided](#) to award 15,000 Nepalese rupees (\$115) to individuals who provide information on anyone they suspect of killing cows.

Nepal’s prohibition legally enforces Hindu religious principles on individuals and groups who do not adhere to them. It also is an impermissible limitation of the right of individuals to engage in cow slaughter for religious purposes. Article 18(3) of the ICCPR does permit limitations on the “freedom to manifest one’s religion or belief” but only if the limitations are “prescribed by law” and are “necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.” General Comment 22 provides that restrictions may only be applied “for those purposes for which they were prescribed and must be directly related and proportionate to the specific need on which they are predicated.” General Comment 22 notes that “limitations...for the purpose of protecting morals must be based on principles not deriving exclusively from a single tradition.” This is particularly relevant when considering Nepal’s criminalization of cow slaughter, given that the Hindu-majority country has designated the cow as its national animal and has [permitted](#) the [sacrifice](#) of animals other than cows during religious ceremonies. Although Nepal’s criminalization of cow slaughter is “prescribed by law” in Article 289(1) of the National Penal (Code) Act, 2017, the state has not met its burden

of justification to show that the limitation on cow slaughter is “necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.” In fact, Nepal has offered no justification for its limitation on cow slaughter; and, as the Special Rapporteur [notes](#), the “burden of justification” falls on the state.

Nepal’s criminalization of cow slaughter violates the right of Nepal’s religious minorities to manifest their right to freedom of religion or belief. For example, the law prevents Muslims from practicing cow slaughter during Eid al-Adha, which is considered an essential ritual. In addition, the religiously inspired restriction on cow slaughter prevents Adivasi-Janajatis from eating beef, which is central to their culture. Examples of enforcement of the cow slaughter law include a 2018 case in which a man was [sentenced](#) to 12 years in prison for killing three cows. The same year, four men were [arrested](#) for cow slaughter in Kapilvastu. More recently, in February 2023, three individuals were [arrested](#) in Rasuwa and charged with cow slaughter. Authorities investigated the case after receiving a tip and found cow meat, an ax, and two machetes at the home of one of the individuals.

Other Legal Impediments

Nepal’s religious minorities face other burdensome legal impediments to their right to freedom of religion or belief apart from the constitution and the Penal Code (Act), 2017. For example, the Supreme Court of Nepal [ruled](#) in 2011 that the government is under no obligation to provide the Christian community with cemeteries. As a result, Christian groups and churches continue to [experience](#) difficulty accessing land to conduct burials. Christians tending to their deceased often must choose between traveling long distances to a burial plot or cremation, which many oppose on religious grounds. Nepal’s legal framework has also burdened Muslims seeking to operate Islamic schools, known as madrassas. In 2004, the government [allowed](#) the registration of madrassas as government schools but required them to adopt the government-approved curriculum in order to receive [financial aid](#). Approximately [1,000](#) madrassas are registered with the government, but [estimates indicate](#) that as many as 3,000 are unregistered because the institutions resist adopting the government approved curriculum. This leaves the unregistered madrassas without financial support and weighs on their ability to provide children with formal religious education.



Finally, the Tibetan Buddhist refugee population has faced continued legal impediments to their right to freedom of religion or belief. Approximately 20,000 Tibetan refugees currently reside in Nepal, which is viewed as the closest destination to escape persecution from Chinese authorities who engage in systematic arrests, suppression, and punishment of those protesting against its influence in Tibet. After Tibetans make the treacherous journey across the Himalayas into Nepal, however, the government denies the refugee population identity cards, which prevents them from securing work and educational opportunities in the country and abroad. Further, while the government in 2022 did provide the refugees with a two-hour window to celebrate the birthday of their religious leader, the Dalai Lama, the population is generally prohibited from displaying public devotion to him. The Nepali government enforces this prohibition through ongoing surveillance of refugees, including home visits and searches. Fears of surveillance are further compounded by an extradition treaty with China, which would require both countries to hand over individuals found crossing the border within seven days of detention. While Nepal has signed but not yet ratified the agreement, human rights groups note that the government

has sent back some Tibetans found near the Nepal-China border. Tibetan refugees returned to China are at a heightened risk of persecution at the hands of the Chinese government, including violations of their right to life and their right to freedom from torture or cruel, inhuman, or degrading treatment. As such, Nepal returning Tibetan refugees to China violates the principle of non-refoulement under international humanitarian and human rights law, which provides that no individual shall be returned to a country where they are likely to face persecution.

Conclusion

Nepal's legal framework criminalizes proselytism, blasphemy, and cow slaughter, thereby restricting Nepalis in their ability to adopt, have, or renounce a religion or belief, or to manifest their religion or belief according to their conscience. Nepal's repeal of these prohibitions would comply with international human rights law and would improve the country's religious freedom conditions. At a minimum, Nepal should not enforce these criminal laws against peaceful, non-coercive religious activities and expression that are protected by internationally guaranteed rights.

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