

**AUKUS IMPLEMENTATION AND CHALLENGES TO  
INTERNATIONAL SECURITY AND ARMS  
CONTROL IN THE 21ST CENTURY**

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**HEARING**  
BEFORE THE  
**COMMITTEE ON FOREIGN AFFAIRS**  
**HOUSE OF REPRESENTATIVES**  
ONE HUNDRED EIGHTEENTH CONGRESS  
SECOND SESSION

FEBRUARY 14, 2024

**Serial No. 118–83**

Printed for the use of the Committee on Foreign Affairs



Available: <http://www.foreignaffairs.house.gov/>, <http://docs.house.gov/>,  
or <http://www.govinfo.gov>

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55–921PDF

WASHINGTON : 2024

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## **AUKUS IMPLEMENTATION AND CHALLENGES TO INTERNATIONAL SECURITY AND ARMS CONTROL IN THE 21ST CENTURY**

**Wednesday, February 14, 2024**

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
*Washington, DC.*

The committee met, pursuant to notice, at 10:12 a.m., in room 2172, Rayburn House Office Building, Hon. Michael McCaul (chairman of the committee) presiding.

Chairman MCCAUL. The Committee on Foreign Affairs will come to order.

I want to welcome everybody to our restored hearing room and I—a point of personal privilege. I took the opportunity to put our first chairman's portrait up underneath the Great Seal of the United States in front of us.

In fact, in the Continental Congress on April 19th, 1775, the Committee on Correspondence was formed, which eventually became the Committee on Foreign Affairs, and so I just put that as a historical reference as to why this committee is, in fact, so important and I want to thank the Secretary for being here this morning.

Now, the purpose of this hearing is to discuss implementation of the AUKUS trilateral partnership and broader challenges facing international security and arms control. I now recognize myself for an opening statement.

One of America's most effective tools has been deterrence, leveraging our arsenal of democracy for global stability. However, since the deadly and chaotic withdrawal from Afghanistan this Administration has failed to project strength on the world stage and we're witnessing the development of a deadly and unholy alliance among our adversaries.

They are working together to undermine Western values, attempting to change the global balance of power. The world has seen Russia's war of aggression in Ukraine, an emboldened Chairman Xi threatening Taiwan, and the Iranian regime continuing to fund its terror proxies.

Iran is at the center of destabilization in the Middle East greenlighting unrelenting attacks on Israel as I speak, on commercial shipping, and our own troops in the region including several deaths recently, including our troops and dozens more injured.

Russia is now getting component parts from China, ballistic missiles from North Korea, manufactures Iranian drones in country.

China is expanding its nuclear arsenal while its military-civil fusion strategy uses our technology and investments against us to advance and strengthen the CCP, and North Korea continues to

buildup its nuclear and ballistic missile program despite U.N. sanctions.

As the world burns America is being tested. We must modernize our approach to security to advance our strategic goals and that includes working with our allies in new and innovative ways. AUKUS is a prime example of how we should be partnering with our closest allies.

I agree with the Administration that to counter CCP aggression we must work with our closest allies and, importantly, here are the U.K. and Australia and that's why I led the bipartisan AUKUS implementation legislation which passed into law this past December on the National Defense Authorization bill.

This legislation grants the Administration the authority to issue ITAR exemptions so we can deploy cutting-edge technology with our closest partners.

This April a Presidential determination to finally grant these exemptions will allow the AUKUS pact to move forward and it will show the world that we will not be intimidated by Chairman Xi.

Alongside AUKUS we need to rebuild our Defense Industrial Base. The Defense Industrial Base is strained to maintain our own military readiness while meeting the critical needs of our partners.

We must make investments to support the Defense Industrial Base and include innovative companies that are producing cutting-edge technology but struggle to secure a government contract.

We must cut through the red tape and streamline the process to make Federal contracts obtainable and trust the private sector to do what it does best and that's innovate. These innovative companies are eager to collaborate on research and development of advanced capabilities like artificial intelligence, autonomous vehicles, quantum computing, and hypersonic systems, and as we grow the AUKUS collaboration we can expand to space systems and other cutting-edge technology.

Bureaucracy should not get in the way of American innovation. Additionally, to successfully move forward we must reform our foreign military sales process. When I travel overseas I hear the same thing over and over from our allies. They want our equipment and our weapon systems but they cannot afford the delays.

Since 2019 I have approved 19 sales totaling over \$22 billion to Taiwan that have yet to be delivered and when I was in country last April President Tsai asked me, "Where are my weapons? I paid for them." I did not really have a good answer.

Seeing these challenges firsthand I convened a task force led by Representative Waltz which last week published its report highlighting desperately needed improvements to our FMS process and it's called the Foreign Military Sales Tiger Task Force report recently released.

It'll be the first time we have had FMS reform—the first time in a generation—and we're not done. We're going to look at outdated arms control and nonproliferation policies like the missile technology control regime and whether the department's structural organization needs updating to combat the challenges we face today.

Xi is not slowing down his malign agenda and neither should we slow down in the face of that. However, with AUKUS we have an

opportunity to build on American innovation and partner with our closest allies to deter and defend against the CCP.

At the same time we need to protect the U.S. and our allies with a credible nuclear deterrent. Outdated cold war nuclear systems are no longer adequate to face the dual nuclear threat we face from Putin and Xi.

Only from a position of strength can we negotiate. We are at risk of losing that strength as we let our deterrent age—deterrence age and desperately grasp at negotiations with the Russians and Chinese.

The United States does not seek conflict but only through strength can we provide the deterrence necessary to secure peace in the region and around the globe.

And with that the chair now recognizes the ranking member Mr. Meeks for an opening statement.

Mr. MEEKS. Thank you, Mr. Chairman, and it's good to be in our renovated home. You know, it's been a while, you know, but it's beautiful and I'm glad to be back home. We do not have to make that long trek anymore.

But it's good to be home, and I want to thank you, Mr. McCaul, for calling this hearing and let me also start by thanking Ambassador Bonnie Jenkins, the Under Secretary of State for arms control and international security for being here today for helping us understand the critical work that the Biden Administration has been engaged in with our allies and partners to strengthen our collective security.

You know, in a little over a week we will mark 2 years—two years—since Russia's renewed full-scale invasion of Ukraine. The human cost of Russia's war has been devastating and the consequences for global security and stability will reverberate for decades to come.

The Administration's commitment to supporting the people of Ukraine in this fight is ironclad and proven. In addition to providing billions of dollars in security assistance, as a direct result of President Biden's leadership the United States of America forged a coalition of allies and partners around the world that stands together against Moscow's unprovoked war of aggression.

And as we look forward I want to commend our colleagues on the other side of the building, the U.S. Senate—I'm surprised I'm doing that. But they did its job earlier this week to pass an overwhelmingly bipartisan bill—critical assistance for Ukraine, critical assistance for Israel, critical for the Indo-Pacific.

And the question that now presents itself is what will this body do. Will this body show similar leadership? Will this body see it, put this bill on the floor so that we can get Ukraine what it needs? It is time for this body to stand up.

So I hope our colleagues on the other side of the aisle find their way to meet this moment. We need the United States of America in a bipartisan way to meet this moment.

In addition to the war in Europe the United States and our allies in the Indo-Pacific are facing an unprecedented military buildup and aggression from the People's Republic of China in the East and South China Seas as well as in the Taiwan Strait.

Under Xi Jinping Beijing has become a more repressive—has become more repressive at home and more coercive and ambitious abroad. America's military presence in the region, our alliances, our diplomatic engagement, are all key to keeping the region peaceful, free, and open and the United States commitment to the defense of our allies and to maintaining open seas and skies has never been greater.

The Administration's record approval of arms cases for Taiwan, a modernized alliance with Japan, and a historic AUKUS trilateral security framework are just some of the examples of how the Biden Administration has used strength to keep the peace in the Indo-Pacific.

President Biden's historic AUKUS initiative with the U.K. and Australia will strengthen defense cooperation and interoperability in the region and allow us to enhance regional security.

I am a strong supporter of this vital agreement and was proud to advance critical legislation to implement AUKUS. Even with our looming competition with China and efforts to counter Russian aggression in Europe, we must always remember that a nuclear war cannot be won and must never be fought. That is why arms control, despite what its opponents may say, is so critical to our national security.

It not only reduces the prevalence of nuclear weapons and reduces the risk of miscalculation between the United States, our adversaries, our competitors, but it helps us to keep them in check.

Simply put, reducing the number of deployed Russian nuclear weapons keeps Americans safer. Preventing Iran from acquiring a nuclear weapon keeps America safer.

Working together to denuclearize North Korea keeps America safer. Stemming China's rapid conventional and nuclear military buildup keeps America safer, and sound and effective arms control policies like those this Administration has advanced are the one—is one of the best tools to help achieve those goals.

And, yet, the State of arms control is more perilous now than it has been in decades. So I hope our witness can help us understand today what the Administration is doing to change this picture and put all of these issues into a broader strategic context.

And with that, I yield back the balance of my time.

Chairman McCAUL. The ranking member yields back.

I just want to thank the ranking member for his hard work in a bipartisan fashion with myself and our teams working together on the AUKUS legislation and, obviously, with the Senate as well with the four corners of the House Foreign Affairs Committee and Senate Foreign Relations Committee. It was one of the finer moments in Congress. We have had a few but few and far between lately, I'd say.

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

We're pleased today to have Hon. Bonnie Jenkins.

Mr. MEEKS. Mr. Chairman? One thing I left out.

Chairman McCAUL. The ranking member is recognized.

Mr. MEEKS. I just want to ask—he's not here yet but I want to ask unanimous consent that Rep. Courtney who worked very hard on the AUKUS agreement participate at today's hearing after all

committee members have had their opportunity to participate and question the witness.

Chairman MCCAUL. Without objection, so ordered.

We're pleased to have Hon. Bonnie Jenkins, the under secretary for arms control and international security at the State Department, before us today. Her bio is very lengthy and impressive and I told her her academic record—you must have spent, you know, a long part of your lifetime in school and it was extremely impressive and so long that I do not have time to read all the credentials.

But let me just say thank you for being here. Your full statement will be made part of the record. And with that, I now recognize Under Secretary Jenkins for her opening statement.

**STATEMENT OF HON. BONNIE D. JENKINS, UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY, U.S. DEPARTMENT OF STATE**

Ms. JENKINS. Good morning.

Mr. Chairman, Ranking Member Meeks, and members of the committee, and congratulations to being back here in this hall.

I appreciate the opportunity to speak to all of you today about the work that I oversee at the Department of State as under secretary for arms control and international security.

Let me give you a broad overview of the challenges and opportunities we face and the tools we employ to ensure that United States is leading from a position of innovation during this inflection point in history.

I oversee the Arms Control Deterrence and Stability Bureau, ADS; the International Security and Nonproliferation Bureau, ISN; and the Political-Military Affairs Bureau, PM. I also lead the coordination for the trilateral partnership between Australia, United Kingdom, and United States known as AUKUS.

We find ourselves at a time where we are certainly challenged. Russia's full-scale invasion of Ukraine is about to begin its third year. The People's Republic of China continues to pressure Taiwan across a spectrum of diplomatic, informational, military, and economic measures.

The Middle East is on a knife's edge as Israel defends itself from Hamas terrorism amid a deepening humanitarian crisis, and Houthi extremists engage in illegal and reckless attacks on commercial vessels exercising their navigational rights and freedom.

The deepening cooperation among Russia, the DPRK, and Iran is a cause of concern. However, it is precisely during these moments where we must be innovative to maintain international norms and institutions, providing foundations for global security.

This includes our work to advance the full scope of arms control measures on weapons of mass destruction and conventional arms to strengthen deterrence and strategic stability.

This Administration has secured allied unity to suspend the treaty on armed conventional forces in Europe in response to Russian withdrawal. We have proposed and passed United Nations resolutions calling on countries to not conduct destructive direct ascent anti-satellite missile tests and to not use radiological weapons.

We led states to endorse responsible practices regarding artificial intelligence for military applications and we completed the destruc-

tion of U.S. chemical weapons stockpile, eliminating an entire category of declared weapons of mass destruction.

We are strengthening nuclear safeguards, safety and security, especially as we assist nations partnering in nuclear energy and peaceful nuclear cooperation, building capacity to mitigate proliferation threats, sanctioning actors engaged in illicit activities, enhancing interdiction measures, and protective sensitive U.S. technologies from exploitation.

Thanks to the strong bipartisan support of the CHIPS and Science Act of 2022 and the International Technical Security Innovation fund this Administration has made profound contributions to protect semiconductor and other emerging technologies.

We continue to advance deeper security cooperation with our allies and partners around the world. We have provided over \$44 billion in security assistance to strengthen the international coalition helping Ukraine to defend itself and assist our allies and partners to transition off Russian-origin equipment.

We are working to strengthen Taiwan's self-defense capabilities, implementing new security assistance authorities and improving the highest single year number of foreign military sale notifications to Taiwan to maintain peace and stability across the Taiwan Strait.

We are helping Israel defend itself while continuing to press for a two-State solution that puts Palestinian voices at the center of a post-crisis governance in Gaza.

Standing shoulder to shoulder with our closest allies is one of the hallmarks of American diplomacy. A prime model is AUKUS, a generational opportunity that deepens cooperation with our closest allies, strengthens our long-term defense and security partnerships, provides us a clear pathway to continue advancing our shared vision of a free and open Indo-Pacific, and sends a very strong signal of deterrence and commitment to the highest nonproliferation standards in the region and around the world.

With your passage of the Fiscal Year 2024 National Defense Authorization Act we are making great strides within AUKUS on export controls, fostering an Indo-Pacific ecosystem and supporting operational readiness and interoperability of U.S. allies for generations to come.

We have a historic responsibility to get this right and with everyone in this room working together we are on the right path.

So let us continue to work together. This new security landscape requires innovation and creativity. It requires resilience and modernization.

This Administration has been making the tough choices and laying the groundwork for long-term prosperity both at home and abroad. We are clear eyed about where our adversaries or our competitors are making inroads and how our actions will determine the safety and security of future generations.

I thank you and I look forward to your questions.

[The prepared statement of Ms. Jenkins follows:]

Unclassified

**Ambassador Bonnie Jenkins**  
**Undersecretary for Arms Control and International Security**  
**Department of State**  
**Before the House Committee on Foreign Affairs**  
**“AUKUS Implementation and Challenges to International Security and Arms Control in the**  
**21st Century”**  
**February 14, 2024, 10:00 A.M.**  
**Rayburn House Office Building, Rm 2172**

Good morning, Mr. Chairman, Ranking Member Meeks, and members of the committee.

I appreciate the opportunity to speak to all of you today about the work that I oversee at the Department of State as Under Secretary for Arms Control and International Security. Let me give you a broad overview of the challenges and opportunities we face in this rapidly changing international security landscape, and the tools we employ to ensure that the United States is leading from a position of innovation during this inflection point in history.

The Bureaus that I oversee are the Arms Control, Deterrence, and Stability Bureau (ADS), the International Security and Nonproliferation Bureau (ISN), and the Political-Military Affairs Bureau (PM). Our work encompasses, and is not limited to, the United States’ participation in multilateral export control regimes; multilateral institutions such as the Conference on Disarmament, the Organization for Security and Cooperation in Europe, the Organization for the Prohibition of Chemical Weapons, and the International Atomic Energy Agency; in international meetings concerning the Chemical Weapons Convention, Biological Weapons Convention, and the Nuclear Nonproliferation Treaty; in bilateral meetings regarding arms control with Russia and the People’s Republic of China (PRC); in defense security agreements and cooperation with partners throughout the world; and the trilateral partnership between Australia, United Kingdom, and United States – also known as AUKUS. The shorthand for my position is “T,” and I oversee the “T Family.”

We play a critical role in applying our subject matter expertise and diplomatic tools to secure the long-term durability of the international security architecture. Through a judicious mixture of dialogue, dissuasion, deterrence, and disruption available in our diplomatic toolbox, we are constantly innovating and delivering on solutions to protect the United States, our allies, and our partners from the evolving and emerging conventional, asymmetric, and strategic challenges and threats we face today and in the future.

Distinguished Members of the Committee,

Unclassified

We find ourselves at a time where we are certainly challenged. Russia's full-scale invasion of Ukraine is about to begin its third year. The PRC continues to pressure Taiwan across the spectrum of diplomatic, informational, military, and economic measures. The Middle East is on a knife's edge, as Israel defends itself from Hamas terrorism amid a deepening humanitarian crisis, and Houthi extremists engage in illegal and reckless attacks on commercial vessels exercising their navigational rights and freedoms. The deepening cooperation among Russia, the Democratic People's Republic of Korea (DPRK) and Iran is cause for concern.

Geopolitical fault lines are deepening. Diplomatic tensions are heightening. There are seemingly more questions presented to us than answers. But it is precisely during these moments where we must be agile and innovative, while maintaining international norms and institutions that help provide the foundations for global security. We need to focus on addressing the headlines of today, but also keep an eye on the trendlines for future challenges to come.

This is exactly what we have been doing in the T Family.

We are addressing the challenges posed by Russia and the PRC, to include those related to arms control, nonproliferation, and regional security.

This includes working to advance the full scope of arms control measures, both in terms of weapons of mass destruction and conventional arms, to strengthen deterrence and strategic stability. Despite challenges posed by strategic competitors, we are addressing how to reduce risks, avoid miscalculation, and close the gap of miscommunication. In the past two years alone, this Administration has secured allied unity to suspend the Treaty on Armed Conventional Forces in Europe in response to the Russian withdrawal; we proposed and passed United Nations resolutions calling on countries to not conduct destructive direct-ascent anti-satellite missile tests and to not use radiological weapons; we led 52 States – and counting – in endorsing responsible practices in the use of artificial intelligence for military applications; and finally – finally – completed the destruction of the U.S. chemical weapons stockpile, ensuring that an entire category of declared weapons of mass destruction (WMD) stockpiles has been eliminated.

At the same time, we are continuing our strong support to the international nuclear nonproliferation regime by strengthening nuclear safety, security, and safeguards, especially as we assist nations in partnering in nuclear energy and peaceful nuclear cooperation; building capacity to mitigate proliferation threats; sanctioning actors engaged in illicit activities; enhancing interdiction measures; and protecting sensitive U.S. technologies from exploitation. Thanks to the strong bipartisan support of the CHIPS and Science Act of 2022 and the International Technology Security and Innovation (ITSI) Fund, this Administration has made profound contributions to protect semiconductor and other emerging technologies.



Unclassified

We continue to advance deeper security cooperation with our allies and partners around the world. We have provided over \$44 billion in security assistance to strengthen the international coalition, help Ukraine defend itself, and assist our allies and partners as they transition off Russian-origin equipment. We are working hand-in-glove to strengthen Taiwan's self-defense capabilities, implementing new security assistance authorities, and approving the highest single-year number of Foreign Military Sales (FMS) notifications to Taiwan in 30 years to maintain peace and stability across the Taiwan Strait. We are implementing AUKUS, which has significantly deepened our cooperation on a range of security and defense capabilities with Australia and the UK, to strengthen our long-term defense and deterrence. And we are helping Israel defend itself, calling for additional humanitarian assistance to address the ongoing crisis while simultaneously providing border screening equipment to Egypt to increase the flow of humanitarian aid, and continuing to press for a two-state solution that puts Palestinian voices at the center of post-crisis governance in Gaza.

Whether it is standing with our democratic partners in their hour of need, deepening security cooperation with partners old and new, or working with industry to meet the rising demand for U.S. defense articles, we are sending a clear message: the United States stands with its friends, we stand with democracy, and our commitment to the norms and principles of the UN Charter will not waver.

Our efforts apply across domains—from land to space and to the deep sea—and through technology realms.

We are particularly paying close attention to critical and emerging technologies, including artificial intelligence, biotechnology, quantum, and advanced computing to ensure our security and prevent their misuse by countries like the PRC. While we are using existing regulations, export controls, legislation, and treaties to address these challenges, we fully recognize that we must adapt to the speed, scope, and scale of how fast these technology sectors are moving. Therefore, we must be innovative and think outside the box to apply our toolkits if we want to continue to secure and safeguard our supply chains, our intellectual property, and our security partnerships around the world.

Standing shoulder to shoulder with our closest allies is one of the hallmarks of American diplomacy. In an increasingly fragmented and elevated geopolitical risk environment, enhancing our collective security frameworks with our closest allies and partners to facilitate unprecedented trade and defense integration is a game changer. It is innovative, it is bold, and it is defining how we modernize our security partnerships that also reinvigorates our economies and strengthens our democracies.

Unclassified

AUKUS, as many of you know, is consequential in a positive way. By deepening our cooperation across the three countries, AUKUS strengthens our long-term defense and national security, provides us a clear pathway to continue advancing our shared vision of a free, open, and more secure Indo-Pacific, and sends a strong signal of deterrence in the Indo-Pacific and around the world.

Through AUKUS, pursuing unparalleled integration of our three nations' scientists, technologists, industrial bases and supply chains in an effort to build together the capabilities that will bolster security and stability in the Indo-Pacific. And we are making steady progress on executing the first major deliverable of AUKUS: supporting Australia's acquisition of a conventionally armed, nuclear-powered submarine capability, while remaining committed to setting the highest nonproliferation standard for naval nuclear propulsion as promised by our leadership.

And we need not go at it alone.

With your passage of the FY 2024 National Defense Authorization Act, we are making great strides within AUKUS on export controls, fostering an Indo-Pacific ecosystem that supports operational readiness and interoperability of U.S. allies for generations to come. We have a historic responsibility to get this right, and with everyone in this room working together, we are on the right path.

Let us continue to work together.

Twenty-first century challenges require 21st century solutions. These solutions are no longer just the traditional mechanisms we have employed in the past. Some have been strengthened while others are adjusted, or new and different. This new security landscape requires innovation and creativity; it requires resilience and modernization. We are clear-eyed about the areas in which our adversaries or competitors are making inroads, and how our actions will determine the safety and security of our future generations.

I look forward to discussing with you your questions and observations. What I have shared scratches the surface of the work that we do to advance the goals of the Administration, and I am sure there are many more you wish to touch upon today. Let me end by saying that I am proud of all my T Family, our efforts to promote international security, and what this Administration has been doing – making the tough choices and laying the groundwork for long-term security, both at home and abroad.

Thank you and I look forward to your questions.

Chairman MCCAUL. Thank you, Under Secretary Jenkins, and I agree with you. We have a historic opportunity before us.

Pursuant to the legislation—AUKUS legislation—the President has until mid-April to decide whether the British and Australians have a, quote/unquote, “comparable defense export control system with the U.S.” and whether to exempt them from the international traffic in arms regulations, otherwise known as ITAR.

In essence, ITAR-free zones will allow us to develop and build the most cutting-edge military technologies like hypersonics together. In my view, these are our closest allies. They are members of Five Eyes.

They bled with us on the battlefield over the last hundred years and we shared our crown jewel, the nuclear propulsion technology, with the British for generations and just authorized sharing our most advanced conventionally armed nuclear-powered submarines with the Australians.

I believe it would be a diplomatic concern if the President does not exempt them from ITAR, and I do not want to put you on the spot but since I have you here and we have to make this decision—the President does—by April my question is very simple.

Does the Administration believe that we should give this exemption to our two closest allies in April?

Ms. JENKINS. Yes. Thank you for that question and I totally agree with you. The U.S.—the U.K. and Australia are our closest allies. We have a long history of working with them and I can tell you that we are working around the clock to do what we need to make sure that we can get the ITAR exemption that all of you have voted with the NDAA to help put forward.

I can tell you that I’ve made several trips myself to the U.K., going to Australia. My experts are working with our colleagues on a regular basis. We’re having trilateral meetings and it’s going—actually it’s going very well.

The U.K. has passed the National Security Act. Australia has two bills which are going forward. So they are doing what they need and we’re doing what we need to put in place all the steps that have to happen so that we can certify.

I feel very confident that we will certify. We’re just actually in the process of making this happen. Something that normally takes about six to 12 months we are doing it in a much, much faster period.

Chairman MCCAUL. I appreciate that, your candor and honesty, and I really hope the Administration does certify. If you need anything from us in the committee please let us know. You know, we’re working as Americans here with our allies against a very, very strong threat coming from China.

Shifting to that, Taiwan arms sales—I know you’re aware of this issue. When I saw President Tsai she asked me, “Where are my weapons?” There are 19 weapon systems, \$22 billion, that have not reached the island.

What I’m concerned about is if we cannot get these weapons into Taiwan what deterrence does the island have as the clock is ticking, and I think after the Presidential elections in Taiwan it’s even more foreseeable.

They know they cannot take it by election so maybe they're going to look at other ways to unify, in their words, Taiwan through a blockade of some sort.

Do you know why this has taken so long and when do you anticipate that the weapons that Mr. Meeks and I signed off on and the chair and ranking member in the Senate—do you anticipate when they will be delivered?

Ms. JENKINS. First of all, I totally agree with you in terms of our—the important work that we're doing with Taiwan. I want to thank everyone for all the effort that's gone in for work we have been doing to allow us to do things like have foreign military financing with them that we hadn't had before, to have our international military education training with them now.

We have been able to use your—use the Taiwan Enhanced Resilience Act to authorize up to \$10 billion in security assistance.

So first of all, I just want to say that we recognize very, very much how important this is. Also, I want to note that many times there are problems or delays. We are able within the State Department to go through these processes in 48 hours or so.

But the problem really is getting it through the industrial base, getting the equipment on time. A lot of times after in these cases after the signature is done that's when things start to happen in terms of getting the equipment.

So the delay is not related to anything in terms of our commitment. Our commitment is certainly there. It's really the industrial base and this is something that we know is in the supplemental and something that we know is an issue and we're working very closely with our partners and industry to try to move that faster.

I do not have a specific timeframe that I can give you right now but I just want you to understand a little of the background.

Chairman MCCAUL. I want to thank you. As we examine the supplemental—we just received it—with respect to Taiwan and countering China we obviously—any input—it's not a final draft by any stretch and any input you may have to help this situation would be very much appreciated.

In fact, I know there's \$3.3 billion for AUKUS itself which I think is a very strong argument to defending the Pacific. So thanks for your candor.

I now recognize Ranking Member Meeks.

Mr. MEEKS. Thank you.

Ambassador Jenkins, I've got some serious concerns right now dealing with Ukraine assistance. For more than a year the U.S. Congress demonstrated its steadfast support for Ukraine.

We called out Russia's brutal invasion and many of us, Mr. McCaul and myself, visited Ukraine to show our support. Went to Poland to show our support.

In this Congress this committee held hearings on the comprehensive oversight and mechanisms linked to our support and we heard from returned kidnapped children and women and the terror that Russia represents in Ukraine.

We passed legislation standing with the people of Ukraine and fielded calls from our constituents who generously offered to open up their homes to Ukrainian children and other civilians fleeing this horrific war.

To this day we still receive those calls. But we also receive calls from constituents. Quite frankly, I've received a few just a couple days ago who are now angry, angry that after standing shoulder to shoulder with the people of Ukraine for so long that this Congress is now failing to act. Angry that—and I'm sorry to say that it seems as though those in the House majority is buckling under the pressure of MAGA Republicans who are acting on the whims of the former president to help his election campaign.

I hope my Republican colleagues in this body are not putting politics over our national security—our national security. And early yesterday morning the Senate did do its part and I applaud Senator Schumer and Senator McConnell for putting politics aside and passing one of the most consequential national security packages in years.

I know the Democrats in the House are ready to act and act now and I would hope that Speaker Johnson will put the bill on the floor so that we have an opportunity in this House to vote on it because I truly believe if he puts it on the floor we will pass it in a bipartisan way. But we need the bill on the floor so that we can pass it.

So let me just ask you first, Madam Ambassador, just want a yes or no for—in the beginning. Do you believe Ukraine is a regional conflict that will not have impacts beyond Russia and Ukraine?

Ms. JENKINS. No. The impact will be much more than beyond Russia and Ukraine.

Mr. MEEKS. And would it be beyond Europe?

Ms. JENKINS. It will be beyond Europe.

Mr. MEEKS. And do you believe that what happens in Ukraine matters for the national security of the United States of America?

Ms. JENKINS. It very much matters to our national security.

Mr. MEEKS. Can you tell us why?

Ms. JENKINS. It matters to the United States because, one, we are a leader and we have to be continued to be seen as a leader around the world. We have made a commitment to Ukraine and we need to show that we could—we stick to our commitments.

Other countries are watching what we're doing and taking lessons, and we also have to promote democracy and help countries defend themselves.

Mr. MEEKS. And do you believe that President Xi is watching closely what we do to support Ukraine?

Ms. JENKINS. Yes, I do.

Mr. MEEKS. And do you believe whether or not we continue supporting Ukraine will have an impact on his calculus or future plans against Taiwan?

Ms. JENKINS. It certainly will.

Mr. MEEKS. And will passing this critical national security package help our readiness?

Ms. JENKINS. It will certainly help our readiness.

Mr. MEEKS. And how would it do that?

Ms. JENKINS. It will help our readiness because, first of all, we're providing—we're able to provide more equipment to Ukraine. But once again, as I was saying in the last question, it also helps us strengthen our industrial base.

Mr. MEEKS. And let me turn to AUKUS for a second because as you have testified China is also watching very closely how we choose to act or not act, and at this pivotal moment in history we know the State Department has been closely engaged with both Australia and the United Kingdom to make sure important reforms to protect sensitive defense technology are completed in order to meet requirements in place to allow sensitive defense cooperation.

So what is the status of the changes we requested of Australia and the U.K. in the NDAA?

Ms. JENKINS. Thanks for the question.

As I mentioned earlier, the status is we are moving forward. As I had mentioned, we have already—the U.K. has already a new act. Australia has a couple of bills that they're getting through their processes.

We are having regular meetings with them both in the U.S. and outside the U.S. in Australia and U.K. We have several groups that are meeting—several working groups that are meeting. There's a lot of activity that's taking place to make sure that we can in fact certify.

Mr. MEEKS. And why does the department believe defense and regulatory reforms in our partners' regimes are so important?

Ms. JENKINS. It's important because we have to make sure that, you know, we protect our intellectual property. We know that there's countries like China who want to steal information and AUKUS, because it's going to be a very strong interoperable process not only just in submarines but emerging technologies and it is going to be a very interesting place for countries like China to try to steal our technology.

Mr. MEEKS. My time has expired. I wanted to get into arms control with Russia and China but I do not have that time. So thank you for your testimony. I yield back.

Chairman MCCAUL. The gentleman yields back.

I now recognize Mr. Wilson for 5 minutes.

Mr. WILSON. Thank you, Madam Secretary, for being here today and we appreciate your service, and congratulations to Chairman Mike McCaul and Ranking Member Greg Meeks for the renovation of Room 2172 Rayburn Building to be back with adequate lighting, too. And so this is—this is very impressive. Thank you.

And, hey, sadly—and this should be bipartisan—all of us should be facing—we're in a war we did not choose between dictators with rule of gun invading democracies with rule of law, and America, I believe, sadly, today with the open borders too—you add that in—is at greater risk of attack—of imminent attack than ever before, as the FBI has indicated.

With that in mind, with the axis of evil war criminal Putin and North Korea have just had unprecedented ballistic missile cooperation with war criminal Putin firing indiscriminately North Korean missiles against civilians of Ukraine.

What's being done to try to address this? Because it also—it's a direct threat to our great allies of South Korea and Japan.

Ms. JENKINS. Yes, thank you for that question and I totally agree. Any relationship that we're seeing, you know, between Russia and North Korea is very concerning and one of the things that we started doing already is last month we have already started

doing sanctions as a result of this, and we are being very, very vocal.

We are working with partners in multilateral settings to also see how we all can work together to address this issue because so much of this is multilateral, working together with sanctions, and that's what we're doing to this date and we're going to continue to focus on this issue.

Mr. WILSON. And additionally bipartisan—I'm really grateful to see our leadership here so concerned, correctly, about the providing of equipment to deter the People's Republic—the Chinese Communist Party from attacking Taiwan. That needs to be done immediately and so please look into that.

Additionally, there's been a request and provision has been signed off by our leadership in the House and Senate for rifles to be provided to Israel.

What's the status to providing—this has been held up and to me it's just inconceivable at a time of war that we would delay and the rifle should be provided. And when can we expect that to be approved?

Ms. JENKINS. Thank you for your question.

Once again I want to reiterate how important we see the situation in Taiwan and our efforts to really move as fast as we can on that.

On the rifles we are still deliberating that within the Administration so we there's nothing that I can report on that to date. But that's an issue we're still working on.

Mr. WILSON. And, indeed, they lost rifle capability when we had the Hamas puppets of Iran invade and there's just no reason for delay of something as basic as rifles and so I hope that's advanced.

And then also bipartisan should be interested in small modular reactors and that is that how critical they can be with technology to promote work with our partners.

I know that Romania has taken a real lead on trying to develop small modular reactors. What is your department doing and working with our allies to promote small modular reactors and, hey, for immediate manufacture? I even have a location, Savannah River Nuclear Laboratory.

Ms. JENKINS. Yes, we're doing quite a bit and thanks for recognizing the work that we're doing in Romania. We are pressing forward very hard on small modular reactors around the world and we are working very closely with our allies. We're working with the G-7.

Recently at the COP-28 we had 22 countries agree to triple nuclear technology by 2050. We have a number of countries who are working to promote more funding in this issue.

So, yes, we take it very seriously. We'll work with allies, G-7 partners as well, to promote small modular reactors around the world.

Mr. WILSON. And the benefit of that would be the security for a territory such as Guam which is so critical—three hours from Shanghai, 3 hours from Tokyo, 3 hours from Manila. Again, a floating aircraft carrier that needs energy independence.

And so it's just so clear, and then you also have examples of, hey, resort areas like Hilton Head Island, South Carolina. We would

like to have in the event of a hurricane, again, small modular reactors and, hey, we have had small modular reactors on aircraft carriers and submarines. This just need to be advanced and the production should be approved and should be accelerated.

I yield back.

Chairman McCAUL. The gentleman yields.

The chair recognizes Mr. Keating.

Mr. KEATING. Thank you, Mr. Chairman. Thank you, Madam Secretary, for being here and thank you for your efforts strengthening the values of freedom and democracy we have around the world and strengthening particularly with our allies that share these beliefs and particularly those allies that are in very difficult threatened regions around the world.

I believe in many senses, and many experts agree, that we're in the greatest threat globally that we have been in since World War II in this regard. I had an uncle who was killed in action defending us in Europe.

So many other Americans lost loved ones, family members. Many individuals had lifetime injuries, hidden wounds, families that were under strain, all for that sacrifice to bring us to the foundation we have right now where post World War II we have the greatest chance of peace and prosperity that modern times have ever shed upon any generation.

And I'm worried. I'm worried that this will be whittled away with indifference and I cannot fail to comment on the bigger picture when you're here in front of us that we are at a critical place right now with this package for Ukraine, Israel, Indo-Pacific, Taiwan—that package that passed the Senate.

Time is passing very quickly. Those of us that have been briefed know that there's an exigency of time here and an urgency to move, and I must say the place where this will be met is not in your office, with all due respect.

The place where this will be met is not in the Secretary's office. The place where this will be met is not even in the White House. Right now at this time that place is right here in this U.S. House.

Just 5 months ago we passed the support package for Ukraine and it was 311–217. Pretty tough to get numbers like that in this Congress at all. But we must be able to put it on the floor right now for a democratic vote.

If we do not have democracy in the U.S. House right now we cannot expect to be the leader of democracy worldwide globally when we cannot even do that.

Anything we say, anything we utter, will be nothing but hollow words. So in this context too I want to ask you something else that concerns me that surrounds particularly what's going on in Ukraine, what's going on in China, what's going on in Iran, and that's the importance of recognizing I think that there's—we have NATO that brings, you know, post World War II allies together that gives leadership to so many others.

We have 50 countries participating in our effort to help Ukraine. Fifty—no small task. But I'm very concerned if you have any remarks on this on how it might affect nonproliferation, how it might affect arms use, how it might affect U.S. influence.



We're seeing, I think, and it's really at stake now a new axis, if you will, an axis with Russia and North Korea who is supplying them with missiles, with Iran who is supplying them with drones, some of them with U.S. and Western parts, by the way, and China who's bolstering up domestically and we're watching very closely what they're doing in any dual purpose products they're having.

But this axis of North Korea, of Iran, of Russia, of China is very dangerous and it's coming together, and I think it's going to be one of the byproducts of us not acting to support Ukraine right now. Can you comment on that burgeoning threat?

Ms. JENKINS. Yes, thank you. I cannot agree with you more. First of all, the importance of getting the supplemental passed because of the funding that it will allow to help us combat these threats but also the concern that we have in terms of these countries working together and it really—as you said this is a changing moment in terms of international security.

And so we have to think about things that we have done in the past that have been successful that we have to adjust to deal with this new not just the individual challenges but the challenges that are being faced by having, you know, three very challenging countries working together.

So the judicial tools that we have in sanctions and export controls and working multilaterally with countries, working in different forums, you know, exchanging information, best practices, these have to be adjusted and strengthened because we have to deal with a different type of challenge that's growing. So I totally agree with everything you say.

Mr. KEATING. Thank you, and I think it's going to affect generations to come. I yield back.

Chairman MCCAUL. The gentleman yields.

The chair recognizes Mr. Perry.

Mr. PERRY. Thank you, Mr. Chairman.

Madam Secretary, thanks for being here. You're the under secretary for arms control and international security. To that end, has Iran's uranium enrichment well beyond what is needed for nuclear energy production continued during the last 3 years?

Ms. JENKINS. Iran has—most recently they have been increasing their production to about 60 percent.

Mr. PERRY. Is that what's needed for peaceful nuclear power production, 60 percent enrichment?

Ms. JENKINS. What I can say is their activities are not ones that make us understand that what they're doing is peaceful.

Mr. PERRY. I'm sorry. So that last part?

Ms. JENKINS. Our assessment is that what they're doing is not considered peaceful.

Mr. PERRY. Right. Obviously, 60 percent has nothing to do with peaceful power production. It has to do with weapons production. Are you personally involved in any active discussions with Iran on nonproliferation?

Ms. JENKINS. We are not involved in these activities right now on nonproliferation.

Mr. PERRY. So what is the plan? If you can, generally speaking—not asking for any classified information—but how can we assure

the American people of some plan, any plan, to stop Iran from having a nuclear weapon that they will deliver via ballistic capability?

Ms. JENKINS. Right. Well, first, I want to—thanks for the question—just to highlight, first of all, that, you know, we are always looking for a diplomatic solution and that's always the first thing.

Of course, we're having a problem with that right now because there really is no good solution on the table. We continue to work with the IAEA—International Atomic Energy Agency—in their efforts to try to assess what's happening in Iran and we know that their challenge—

Mr. PERRY. We know what's happening. I'm asking what the plan is because they're moving forward. They're doing it as we speak.

Ms. JENKINS. The plan—yes, the plan is to continue to seek diplomatic resolution on it.

Mr. PERRY. OK. All right. So they're going to continue and we're going to keep talking and they're going to continue. I got it. I just wanted to see if there was something new here that I wasn't aware of.

I want to switch subjects here a little bit. New reporting from Michael Shellenberger, Matt Taibbi, and Alex Gutentag cite sources in the intelligence community that say that the IC asked Five Eyes' intelligence agencies including the U.K. and Australia to spy on 26 of the previous Administration's associates.

Did you know if a warrant existed to authorize the spying on these American citizens at the behest of our intelligence community?

Ms. JENKINS. I do not have any information on that.

Mr. PERRY. You do not have any information? Well, OK. Do you and the President support the requirement of a warrant to have Five Eyes intelligence agencies spy on American citizens on America's behalf? Do you and the President agree that a warrant would be required?

Ms. JENKINS. I'm hesitant to respond to that because I do not feel like I have enough of the background information that you're—

Mr. PERRY. OK. Well, if I do not include the President, if I just include you, do you believe in warrantless spying at the behest of the intelligence community on American citizens?

Ms. JENKINS. I'm not quite sure how to respond to that. I mean, we do want warrants if there's going to be spying done, but I'm not sure I can answer that question. I want to be honest with you, I do not feel I can—

Mr. PERRY. OK. Would you—would you like the intelligence community to be authorized to spy on you without a warrant?

Ms. JENKINS. No, I would not.

Mr. PERRY. So then would you be able to transpose that desire of yours for yourself to other American citizens who would like the same constitutional protections that you apparently want for yourself?

Ms. JENKINS. I can—I assume that others would want that. But I'm not sure that I can really say what the U.S. position is because I'm not sure—

Mr. PERRY. I'm not asking for the U.S. position. I just asked for yours and if you know what the President's is.

So yours for yourself is you want the protection of the warrant—

Ms. JENKINS. Yes, I do. Yes.

Mr. PERRY [continuing]. But you cannot say for other American citizens?

Ms. JENKINS. I would imagine yes. Yes.

Mr. PERRY. OK. I'll take yes as an answer.

Let me—let me just posit one other thought to you. I look at your testimony here and we proposed, as you said, and passed the United Nations resolutions calling on countries to not conduct destructive direct sent satellite/anti-satellite missile tests. Did China agree with that?

Ms. JENKINS. China—we have approached China with that.

Mr. PERRY. I know.

Ms. JENKINS. We have not had a real in-depth discussion with them on that.

Mr. PERRY. You haven't had what?

Ms. JENKINS. We haven't had an in-depth discussion with them on that but we have approached them about that and we're open to them being a part of that.

Mr. PERRY. Oh, I'm sure we're open to it. I'm sure they're not open to it, which concerns me because further in your testimony you talk about the United States destroying the stockpile of the entire category of declared weapons of mass destruction.

So we're leading just by destroying our defensive capabilities and offensive capabilities while hoping that China will come along and discontinue their offensive capabilities.

I will tell you, ma'am, what we're doing is unilaterally disarming hoping that China is going to play along. They're not going to play along.

I yield the balance.

Mr. WILSON [presiding]. Thank you very much, Congressman Perry, I think it's very appropriate, your questioning, as we're looking at the portrait of Benjamin Franklin of Pennsylvania and Congressman Perry continues the tradition of the—being outspoken as part of the delegation from Pennsylvania. So congratulations, Congressman Perry.

We now proceed all the way to Texas with Congressman Castro.

Mr. CASTRO. Thank you, Chairman.

Under Secretary Jenkins, it's great to see you. Thank you so much for your service in the Biden Administration and also for your testimony today.

I'm glad the Biden Administration has recently revised the conventional arms transfer policy to ensure defense sales and weapons transfers are consistent with our values and our strategic goals.

I have a few questions regarding these policies. The conventional arms transfer policy states that the United States will not transfer arms to a country if the United States assesses that, quote, "it is more likely than not that the arms to be transferred will be used by the recipient," unquote, to violate international, humanitarian, or human rights law.

Prior to an arms sale does the U.S. Government make an affirmative assessment on whether those arms would meet the standard

and who in the Administration is responsible for making these assessments?

Ms. JENKINS. That is an assessment that's made—we start within the State Department to look at that and we have discussions within the State Department. But, you know, these are looked at within the interagency. So——

Mr. CASTRO. But the assessment is made before the transfer of these arms?

Ms. JENKINS. Yes. Yes.

Mr. CASTRO. OK. And last week the White House released National Security Memorandum 20 which aims to ensure that U.S. security assistance is used in line with U.S. law and international humanitarian law.

Specifically, the memo creates an enforcement mechanism to hold countries accountable if they're found to have violated provisions such as Section 6201 of the Foreign Assistance Act, which states that the U.S. shall assess if a country is denied or restricted the delivery of U.S. humanitarian aid to a country.

So I wanted to ask you are there any countries that are provided exceptions to the transparency requirements under last week's National Security Memorandum or will it be applied to all countries equally?

Ms. JENKINS. It's going to be applied to all countries——

Mr. CASTRO. And has——

Ms. JENKINS [continuing]. That fit within the definitions of the act, yes.

Mr. CASTRO. And has the State Department received credible and reliable written assurances from Israel that they will not impede the delivery of U.S. humanitarian assistance?

Ms. JENKINS. We have talked to Israel about the NSM and they are aware of it and agree to it.

Mr. CASTRO. Have they provided us any kind of assurances?

Ms. JENKINS. We are in the process of—as I said, if you look at the NSM it provides a timeframe if a country is at war to provide those assurances.

Mr. CASTRO. Will we demand assurances from them?

Ms. JENKINS. It's part—yes, it's part of the NSM.

Mr. CASTRO. OK. And just this morning the Wall Street Journal reported that the Department of State is investigating whether the bombs used in an Israeli attack on the Jabalia refugee camp were provided by the United States.

How does the State Department plan to conclude if the bombs used in this air strike were provided by the United States, and if the State Department concludes that the U.S. provided the bombs what steps will the State Department take in response?

Ms. JENKINS. Well, one of the things that I think that the NSM was trying to do is try to help us—help the public understand the way in which we address these issues.

So if it turns out that that is the case we will take it back and we will deliberate and consider what the next steps will be and we will incorporate that into our considerations for next steps.

I cannot say specifically what we're going to do but I can certainly say that we are very focused on the issue. We understand

the importance of the issue to the American people and we will take that back and assess what we should do next steps.

Mr. CASTRO. Thank you.

And switching subjects but also within your purview—and you may have to take this one for the record—Ambassador Jenkins, the family of bureaus you lead has a responsibility over U.S. engagement with the Organization for the Prohibition of Chemical Weapons and the Chemical Weapons Convention Annex.

There's a proposal in front of this Congress to add fentanyl and fentanyl-related substances to Schedule II and III of the Chemical Weapons Convention Annex and I have serious concerns about this proposal and I understand that the State Department does as well.

In response to a previous inquiry of mine the State Department stated that, quote, "The department assesses that adding fentanyl to the Chemical Weapons Convention schedules would not enhance our ability to identify fentanyl traffickers or address chemical weapons risks related to fentanyl."

I also understand that adding fentanyl to the Chemical Weapons Convention Annex would imperil the DOD's access to fentanyl for pain management of battlefield injuries and prevent legitimate shipments of fentanyl to Taiwan and Israel, who are not parties to the Chemical Weapons Convention, devastating their health care systems.

So I wanted to ask you do you believe that adding fentanyl and fentanyl-related substances to the Chemical Weapons Convention's Annex is appropriate and what do you see as the impacts of doing so?

Ms. JENKINS. Yes. First of all, I just want to acknowledge that I recognize the impact of fentanyl and so I definitely understand the importance of these issues.

But as you said, we do not see that as a—we do not see the CWC and the OPCW as the way in which to do this. As you mentioned, fentanyl also has a medical—other medical purposes and by putting this on the CWC/OPCW schedules it will impact and disrupt individuals who need some of that for medical purposes from using it and it's also not going to really, as you said, focus and really do what it needs. What we are looking for interdiction issues.

Mr. CASTRO. Thank you, Secretary. I yield back.

Mr. WILSON. Thank you very much, Congressman Castro.

We now recognize Congresswoman and Ambassador Ann Wagner.

Mrs. WAGNER. I thank the chairman and the under secretary for her time and service.

China represents an urgent threat to the United States and its partners. We have an important advantage, however—a range of partnerships and alliances that are unshakable and battle tested including AUKUS, a critical security partnership between the U.S., Australia, and the U.K.

The fact that the Chinese Communist Party, or CCP, finds AUKUS so terrifying is a clear sign that the partnership is the right path forward for the United States as we seek to defend Indo-Pacific partners from China's predatory and bullying influence.

But we need to devote real time and energy to address remaining pitfalls and ensure AUKUS' success, whether by cutting red tape

for our trusted allies or correcting China's attempts to sow anti-AUKUS propaganda while it massively expands its own nuclear stockpile.

Under Secretary Jenkins, the 2024 NDAA instructed the Secretary of State to create streamlined procedures and anticipatory release policy for the transfer of advanced weapons technologies like submarines and hypersonics, cyber capabilities, artificial intelligence, and undersea capabilities to Australia, the U.K., and Canada.

When do you anticipate the release of that policy and what concrete steps are you and your bureaus taking to prepare those policies?

Ms. JENKINS. Thank you, and once again it's an opportunity for me to talk about AUKUS which I agree with everyone here about the importance of that, and as I had mentioned earlier we are working around the clock with both the U.K. and Australia to make sure that we have what we need and all three countries have what they need so that we can move and certify as required under the NDAA.

Our experts are meeting on a regular basis. We just met last week. All three countries have met on experts. I'm meeting with my colleagues on a regular basis. We have questions that are being answered—

Mrs. WAGNER. Excuse me. Time line wise are you on track here? When do you anticipate the release?

Ms. JENKINS. It's hard to anticipate the release right now because we are actually working to get these things. There's certain things that have to happen but they're happening at a rapid pace.

Mrs. WAGNER. OK. Well, I hope so.

Ms. JENKINS. I can say, for example, as I said earlier the U.K. just passed legislation. The same thing with Australia. They have to go through processes within their own countries for this to happen. So I can say we're working as fast as we can but there are steps that have to happen in all three of our countries.

Mrs. WAGNER. China has disseminated propaganda across the Indo-Pacific falsely claiming that AUKUS undermines nonproliferation goals and I'd like to note the astounding hypocrisy of these claims as China itself embarks on an unprecedented nuclear buildup.

Under Secretary Jenkins, is the department effectively countering Chinese misinformation surrounding AUKUS like the misinformation surrounding the transfer of conventionally armed nuclear capable submarines?

Ms. JENKINS. Yes. Thank you for the question. We are regularly countering disinformation. We see it on a regular basis. As was mentioned, China often raises AUKUS at the IAEA in a general—in the Board of Governors.

We have been very successful constantly pushing back to the point that they've actually started looking at some other issues in addition.

So we have been working on this. We understand the Chinese buildup of nuclear weapons and we continue to—

Mrs. WAGNER. Where do you think that China's misinformation campaign against AUKUS gained the most traction and specifically are we are working with regional partners to correct the record?

Ms. JENKINS. Yes. I think originally it was starting for some countries to gain traction. I think that that has been reversed because a lot of what was being claimed countries are understanding is not true, particularly what they were saying about submarines—that they were saying that submarines were nuclear weapons.

They're not. They're conventional weapon submarines and people are seeing that. We're working very closely with the IAEA. DG Grossi is making reports talking about the great relationship we have with them. So I think it's that active work that we're doing is helping.

Mrs. WAGNER. In my limited time—and you may have to answer for the record—China is expected to increase its nuclear arsenal many times over by 2030.

Under Secretary Jenkins, do you think China's unprecedented buildup of nuclear weapons requires a new approach to how we control the trade of nuclear material, considering the civil-military fusion that China relies on for their military modernization?

And if so do you also believe that we need to ensure that the West is not supplying Russia and China with nuclear technology and material that can contribute to the expansion of our adversaries' nuclear arsenals?

I would ask you to reply for the record on this question. I have—my time has expired, Mr. Chairman, and I yield back.

Mr. WILSON. Thank you very much, Congresswoman Ann Wagner of Missouri.

And now we proceed to Congresswoman Dina Titus of Nevada.

Ms. TITUS. Thank you very much, and thank you, Ambassador. Your impressive reputation and resume precedes you. We're delighted to have you here.

We have heard a lot this morning about the bill that just came out in the Senate and how it's far reaching and how it impacts our national security and how our colleagues definitely want to do that but just cannot bring themselves to vote for that bill for some reason. That may have more to do with politics than policy.

You've said yourself that it impacts our national security or would if it passed in a number of ways but would you describe a little more specifically how that bill has broader implications for the T family, how it impacts arms control, arms verification, and nonproliferation?

Ms. JENKINS. Yes. Thank you.

You know, the bill, as I said, is going to provide us with things we talked about in terms of Ukraine, in terms of Taiwan, in terms of foreign military. But we also have funding in there for our nonproliferation fund and the work that we do in nonproliferation.

Some of the capacity building work that we do is going to be supporting domestic uranium enrichment. We have been talking a lot about that today about civil nuke issues, which allow us to be independent in terms of our nuclear fuel and that—and continuing to help us work with other countries as well and that has nonproliferation aspects to it as well.

And so it's going to be—as I look at all the things that's in the bill it's going to be helping quite a number of activities within the T family, particularly as we talked a lot about today in the PM Bureau.

Ms. TITUS. Could you also talk a little bit more about how the programs that you oversee and that we have been discussing kind of play out and the relationship that's growing between Russia and Iran?

Ms. JENKINS. Most of the work that we're doing in that respect—I mean, there's a lot of things we're doing but I'll focus on the Russia-Iran issues.

You know, we have a number of sanctions, obviously, on Iran. We have also started some new sanctions on their UAV issues—related issues connected, obviously, with the UAVs that they have given Russia.

We have a lot of sanctions, obviously, on Russia following the invasion in 2022. So but we're also seeing them act together in many different forums that we are engaged with and I will not really have time to go into all the arms control forums that we work with and we're seeing them working together more often.

So it's not just in—obviously, we talk about, you know, the security assistance side and the sanctions issues but we're seeing them work together in other ways. And so we're trying—as I said, we talk about innovation in this new security environment.

We're looking at new ways we can try to work together with our partners and like-minded countries who see the same thing and are also very concerned about the growing relationship between Russia and Iran and the DPRK.

Ms. TITUS. So when we talk about the Senate bill impacting Israel and impacting Ukraine and impacting Taiwan it, indeed, also impacts that relationship with Iran, right?

Ms. JENKINS. Yes. One way to look at it is as we provide funding for us to provide funding for defense for countries, to provide funding to support democracy, to provide funding for the U.S. being a leader to help our partners, these are all areas where we are strengthening our role in the world, strengthening national security.

So as the point that you're making even though it seems—it may seem very focused on particular countries it's really about strengthening the United States, particularly at a time when everyone has been saying here that we have enormous international security challenges. So we have to be very thoughtful.

Ms. TITUS. Yes. Thank you.

I yield back, Mr. Chairman.

Mr. WILSON. Thank you, Congresswoman Dina Titus.

And we now proceed to Congressman Andy Barr of Kentucky.

Mr. BARR. Thank you, Mr. Chairman.

And Ambassador Jenkins, welcome to the committee, and before I get to my questions I do want to address the issue of the supplemental that the Senate is sending over to us. I know that's a priority for the Administration.

There's a lot of members on my side of the aisle who, obviously, demonstrably support the assistance to Israel, the assistance to the



Indo-Pacific, and I'll direct most of my questions to you regarding Taiwan.

But I want to address just as a comment the issue of Ukrainian. In the Financial Services Committee just down the hall Under Secretary Nelson from Treasury is over there. I'm going to ask him or make this point to him as well.

Many Republicans are fully supportive of the effort to assist the Ukrainian resistance. That is not the issue. That concern is the mind boggling and perplexing lack of a strategy from this Administration in supporting the Ukrainian resistance.

When the Administration is asking Congress to approve over \$60 billion in additional assistance, which I personally support, but at the same time is banning LNG exports to our European and NATO allies, when they eight times provide a general license to the sanctions on Russian banks in processing energy transactions, when the oil price cap strategy is failing, our strategy is literally funding Putin.

And my point to the State Department here with this commentary is that the Administration's obsession with climate is compromising our national security and our strategy to counter Putin.

If we want to stop Putin, if we want to prevail in the fight against Moscow then for goodness sakes stop limiting energy exports, stop aiding Putin's energy exports, and stop financing Moscow's war machine.

With that, let me get to my question about Taiwan. Regarding Presidential drawdown authority for Taiwan, Section 5505 of the Fiscal Year 1923 NDAA states that the President may direct the drawdown of defense articles from stocks of the Department of Defense—defense services of the Department of Defense and military education and training of an aggregate value of not to exceed \$1 billion per Fiscal Year to be provided to Taiwan.

This bill became law in December 2022. What was—Madam Ambassador, what was the total amount of Presidential drawdown authority used by the Administration in Fiscal Year 2023?

Ms. JENKINS. I'm not sure I have the specific number in these—with me at the moment. But I can—I can certainly get that to you.

Mr. BARR. Well, if you could get that to us, and also we want to know what has been used thus far in current Fiscal Year 2024.

And the reason why we say that is that the Administration is rightly asking for Indo-Pacific assistance in the supplemental.

But the Administration has existing authorities that we provided through the NDAA in successive years to assist in that effort and we would urge the Administration to use that Presidential drawdown authority.

India, real quick, Madam Ambassador. In 2016 Congress designated India as a major defense partner and last year President Biden and Prime Minister Modi reaffirmed this partnership twice, here in D.C. and in Delhi.

Not only are we cooperating more but we're seeing a shift in India's defense supply chain away from Russia and toward the United States and our orbit.

However, last week the Biden Administration issued the National Security Memorandum on safeguards and accountability with respect to transfer of defense articles and defense services.

This memorandum sets up new hurdles and reporting requirements for prospective arms sales to partners. Do you see this memorandum having any impact on future sales of defense articles from India?

India is over dependent on Russia for defense. We need to reduce those barriers.

Ms. JENKINS. Yes. Thank you.

First, I know we do not have a lot of time. On the first one I just want to just highlight—on the PDA I just want to mention that we are—we do want to use that PDA but it has taken time, some of it because of industrial industry backlog and things like that. So I just want to let you know we are very focused on that.

And on the question, yes, we see India trying to diversify. We like India diversifying, particularly diversifying from Russia. We want that. We have encouraged that.

So we are happy to work with them to encourage them to do that even more because as you know we want to get countries off of relying on equipment from Russia.

Mr. BARR. And I met with the deputy chief of mission from the Indian embassy. They want more defense cooperation with the United States so that they can decrease their dependence on Russia at this moment. We just need to make sure we do not set up any barriers.

Ms. JENKINS. Right.

Mr. BARR. Thank you for your service and thanks for hearing me out on the strategy on Ukraine. Energy has geopolitical consequences and when the Administration asks Congress for assistance but is working at cross purposes with energy policy it makes it harder for us to support the Administration's request.

With that, I yield.

Mr. WILSON. Thank you very much, Congressman Andy Harris—Barr—for your good work—from Kentucky.

Hey, and we're really grateful. We have a new Member of Congress, Congressman Gabe Amo of South Carolina heritage from Rhode Island.

Mr. AMO. Well, thank you so much, Mr. Chairman, and greetings, Ambassador. It's a pleasure to see you. Certainly, I want to begin by acknowledging the remarks of several of my colleagues on the urgency of getting the Senate legislation to provide critical security assistance on the floor so that we can vote.

We need to recommit to these critical, critical obligations around the world and I'm hopeful that we will see progress there and we'll continue to make that case.

But turning to home, Rhode Island's First congressional District is front and center in supporting AUKUS to support security in the Indo-Pacific and is providing an enduring foundation for its success.

This agreement is an opportunity for us to share our Rhode Island-based expertise by establishing long lasting research collaborations that empowers an expert workforce. The naval undersea warfare center division in Newport recently signed a cooperative research and development agreement with Australia's Flinders University to foster collaborative research on undersea technology.

This partnership is an exciting opportunity to advance research coordination between the U.S. and Australia in the field of under-sea technology.

These agreements deepen the connection between our two nations, the U.S. and Australia, and it builds upon the University of Rhode Island's research and education partnership that was formalized last year.

And, of course, you know, Electric Boat along with other suppliers are supporting AUKUS Pillar One by manufacturing the first rate Virginia-class submarine.

So AUKUS is a great example of how we can leverage our economic relationships to support good-paying jobs at home and our diplomatic and security mission abroad. But I understand in my short tenure that this process can be cumbersome at times.

Generally speaking, American companies cannot interface directly with their foreign counterparts. So I'm hopeful that the Administration is open to considering methods to operate more efficiently, to expeditiously advance AUKUS.

Under secretary Jenkins, what sort of conversations have there been with Australia regarding the regulatory reforms that they need to take up to obtain the licensing exemptions so that we can expand our defense, trade, and cooperation and if so, you know, what sort of conversations have yielded progress? Where do they stand, et cetera?

Ms. JENKINS. Yes. Thank you for that and, first, I want to also highlight the point you made about, you know, universities and there's a part of the—of AUKUS which does not often get enough attention is the buildup of resources and human capital and, you know, our training with the Australians, Australians coming here to the U.S. visiting our bases, the main part of our schools.

So I just wanted to take a moment to highlight that aspect that was highlighted by all three leaders on AUKUS. As I had mentioned earlier, we are having numerous conversations with both the U.K. and Australia.

We have actually looked at the legislation that they have—that they are working on and trying to get passed and we're basing a lot of the questions that we have to allow for certification based on the really significant steps that they have already taken in terms of developing a new regulatory body, you know, as I said, you know, the bills that they're going—that they're putting through, the time that it's going to take for those bills to get to completion.

So we are learning from them and they're learning from us. We're getting—and a lot of this is—some of it's new for them in some respects and so we are having really good conversations really getting—going back and forth on real detailed technical questions so that we can get there.

Mr. AMO. Is there anything that we in Congress can do to help improve this cooperation in the near term?

Ms. JENKINS. Just continue—I mean, the bipartisan support for AUKUS has been amazing, you know, and I think our partners in Australia and the U.K. hear that and they see that.

Very appreciative of the passing of the NDAA which allowed for us to expedite the processes for exchange and extension through the ITAR. So I think you're doing what you're doing and showing

that our partners and the world, quite frankly, your support for this is very important and it shows our adversaries as well that we are all united on this. So just continue to do that as well.

Mr. AMO. Well, Ambassador, I'm grateful for your insights and, Mr. Chairman, I yield back the remainder of my time.

Ms. JENKINS. Thank you.

Mr. WILSON. Thank you very much, Congressman Gabe Amo.

We now proceed to Congresswoman Young Kim of California.

Mrs. KIM OF CALIFORNIA. Thank you, Chairman, and I want to thank Under Secretary Jenkins for making herself available today.

You know, earlier this year, as you know I led the Keeping Our Allies Leading in Advancement—the AUKUS Act—and I am really happy that that legislation provided international trafficking in arms regulations exemptions for Australia for the purpose of AUKUS implementation and I'm proud that we were able to help secure determinations for exemptions in the final Fiscal Year 1924 NDAA.

We also know U.K. and Australia we share our common interest in securing the Indo-Pacific and promoting economic resilience and they are also Five Eyes partners so we can work with them on deterring CCP's aggression.

As such I know you work very closely and you are engaged regularly in dialog with Australians on AUKUS implementation so can you tell us during your time as under secretary has there been any evidence of Australia violating the U.S. arms export laws?

Ms. JENKINS. I do not want to say that I know everything but I am not aware of any personally.

Mrs. KIM OF CALIFORNIA. You know, since the legislation was enacted ITAR—has State Department revised—if there is any parts of ITAR—if the State Department revised to reflect the AUKUS and what is the impact such revisions has had on Australian and U.S. companies to work together on Pillar Two?

Ms. JENKINS. We are still in the process of talking with our industries about Pillar Two. We have yet to provide them. Of course, before we can certify we have to get their perspectives on everything.

And so we have had some meetings with industry both here, also in the U.K. and Australia, to start getting them aware and understanding what's happening. We take industry very, very seriously in this. So we are going to continue to do that in Asia.

Mrs. KIM OF CALIFORNIA. Thank you.

And also since I chair the Indo-Pacific Subcommittee I'm deeply concerned with the recent developments in the North Korea and Russia relationship, and the Russians and North Koreans have entered into unprecedented ballistic missile cooperation. That was exemplified by Russia firing North Korean ballistic missiles in the war against Ukraine.

So what is your department doing to ensure that this cooperation ends and is your department concerned with Russia sharing the advanced ballistic missile and cruise missile technology with North Koreans?

Ms. JENKINS. Yes, we are very concerned. I mean, it's very concerning to have North Korea and Russia working together on almost anything but particularly on these issues.

So we are working with regional partners on this. We are working with our G-7 partners. We are working in a multilateral environment in all—in every way we can to signal our concern about this and so that other countries can do so as well and that we're also doing the sanctions——

Mrs. KIM OF CALIFORNIA. Would you be able to tell us if Russian technology or technical know-how contribute to any of the recent North Korean missile tests?

Ms. JENKINS. I cannot say that I'm aware of that.

Mrs. KIM OF CALIFORNIA. Has North Korea expanded its nuclear and missile programs in the past 3 years and why have we seen an increase in missile tests?

Ms. JENKINS. It's hard to speculate why they're doing more—why they're doing more tests. I mean, we do not know. We do not have, unfortunately, no real access to understanding that. So we can only speculate as to why they're doing it. I mean, you can——

Mrs. KIM OF CALIFORNIA. Let's then also ask you if DPRK has ever used U.S. humanitarian or development aid to fund human rights atrocities or their missile or nuclear regime.

Ms. JENKINS. I am not aware of——

Mrs. KIM OF CALIFORNIA. To the best of your knowledge.

Ms. JENKINS. Yes. To the best of my knowledge I'm not aware.

Mrs. KIM OF CALIFORNIA. OK. Well, thank you. I want to thank you so much for everything that you're doing and I'm really looking forward to full implementation of AUKUS.

Mr. CONNOLLY. Would my colleague yield just for a quick——

Mrs. KIM OF CALIFORNIA. Sure.

Mr. CONNOLLY. So to your line of questioning about North Korea and Russia, Mr. Wilson and I have a bill that would expand sanctions for anyone facilitating those weapons transfers and you might want to take a look at that bill. Would love to have you as a co-sponsor.

Mrs. KIM OF CALIFORNIA. Happy to review. Thank you.

Mr. CONNOLLY. Thank you.

Ms. JENKINS. And we also have sanctioned already for that so as well.

Mrs. KIM OF CALIFORNIA. Thank you. With that, Chairman, I yield back.

Mr. WILSON. Thank you very much, Congresswoman Young Kim, for your leadership.

We now proceed to Congressman Brad Schneider of Illinois who next week will be serving on the Helsinki delegation to Vienna. Congressman Schneider?

Mr. SCHNEIDER. Thank you, Mr. Chairman.

And just to correct the record, I just will happen to be in Vienna on vacation and will visit you. But I'm not a part of the delegation. Thank you.

Ambassador, thank you for your testimony today and for the work that you do. You have a long track record in this area, you know, just pulling out two things from your biography—an emphasis on peace and security and an emphasis on arms control and nonproliferation.

And I wish I had all day to talk to you about these things because we're at a moment. But broadly—a broad question.

I look at the world and see great dangers. You touched on your testimony some of the challenges we face from Ukraine to the conflict in the Middle East to Iran to Indo-Pacific to North Korea. These are major threats.

From your experience where would you rank the current moment as far as the national security risks the United States faces?

Ms. JENKINS. Rank it in terms of other—

Mr. SCHNEIDER. Just other periods in time. Are we at a perilous moment like anything we have seen certainly in my lifetime?

Ms. JENKINS. Yes, this is—you know, people have said this is, you know, the most challenging since World War II. You know, we have had the Soviet Union fall apart and we have had 9/11, for example, and we obviously got through those periods and I know we'll get through this one as well.

But for me looking at all the challenges, and we're talking not just Ukraine and the challenges in the Middle East and the relationship between the DPRK and Russia and Iran.

But we have new challenges coming—you know, emerging technologies. We do not know how that's going to—what's going to happen with that. In many ways we're trying to figure that out.

So the challenges are just also different. They're different.

Mr. SCHNEIDER. Different and growing and expanding, and I want to ask a leading question. I mean, to me—I say this all the time—we are safer, the world is safer, when the United States is leading, when we lean in and take the role that so many other countries around the world, maybe all the world, looks to us.

I put three stars as I was reviewing your testimony last night. Standing shoulder to shoulder with our closest allies is one of the hallmarks of American diplomacy—your words—and I thought that was really important.

And you go on to describe, I think, the alliances we have as a game changer. Could you touch just very briefly on how important our alliances are and the risk, and very specifically the one I think there's so much concern about?

We're here talking about AUKUS which is a game changer, looking forward, but we have others talking about exiting NATO which, as you noted, the most perilous moment since World War II. NATO has kept us safe and the world stronger or us stronger and the world safer since World War II.

If you could touch on that.

Ms. JENKINS. Yes. So, I mean, with the challenges we have today we—multilateralism is key to so much of what we need to do.

When we think about when Russia invaded Ukraine we had—we worked with a number of countries on important export controls that really deprived Russia, you know, funding and a lot of other things that they would like to—they would need for their war and that was done, you know, with a lot of collaboration.

When we talk about North Korea, when we talk about DPRK, I mean, Russia and Iran the ways in which we can combat is by working with countries—you know, what can we do together in terms of sanctions, what can we do together to deter, to deny, to interdict.

We cannot do these by ourself. We have to work with other countries. When we talk about NATO—I mean, NATO has been amaz-

ing in these last few years dealing with so many issues and even that, you know, new countries who are part of NATO.

You know, there's so much we need to do and we need to do it to different forums whether it's NATO, whether it's the United Nations, particularly the U.N. First Committee, which is what I'm more familiar with.

You know, whether it's the OSCE, whether it's, you know, the OPCW that implements the CWC, all of these are multilateral forums and we need to work this way to combat these issues.

Same with emergent technologies as we figure out how we deal with that. So these are all—we are in a time where we need to work with partners.

Mr. SCHNEIDER. Thank you. And one of the joys of being on this committee is Ambassadors from around the world come to visit us and talk, and a question I'm consistently getting is can we count on the United States to stay—are they going to be there? Are they going to do what they promised to do and are they going to see it to the end?

And so my last question for you in the few seconds we have, when there is rhetoric talking about pulling out of NATO or there is a debate in Congress or unwillingness to stand by Ukraine as the heroic fighters in Ukraine are fighting for their independence but also for what is dear to us what is the impact of that?

Ms. JENKINS. We have to remain a leader and, as you said, you know, we—you know, we can travel around the world and do diplomatic engagements.

You know, they're always looking for—you know, our partners and allies look to the U.S. to be a leader and as you said they want to know that we're there and we're not going to leave and we're not going to abandon.

And we hear that all the time and all of the supplemental, the funding, will help us to continue to do that and be the leader at this very challenging time.

Mr. SCHNEIDER. And I know it's supplemental by terms of our appropriations process but this is essential funding that our allies need and our security relies upon.

I yield back.

Ms. JENKINS. Thank you.

Mr. WILSON. Thank you, Congressman Brad Schneider.

We now proceed to Congressman Bill Huizenga of Michigan.

Mr. HUIZENGA. OK. Thank you, Mr. Chairman.

Under Secretary Jenkins, I appreciate you being here today.

Last year under Chairman Mr. McCaul's leadership I was one of the proud authors of the AUKUS Submarine Transfer Authorization Act which ultimately signed was signed into law via the Fiscal Year 2024 NDAA.

This legislation authorized the sale and transfer of conventionally armed—important part, as we'll get into it later—nuclear-powered Virginia-class submarines to Australia with conditions to ensure that national security considerations are made to protect our undersea warfare advantage.

How are you ensuring—there's kind of two sides to this—one, what kind of vetting is being done of our allies, both British and Australian personnel, required to make this program work and

what are you doing to ensure then on the other side of that that these folks have the proper access needed to and around U.S. submarine yards and are you taking advantage of the ITAR exemption language for shipyards in my bill as it was enacted into law? How are you actually doing that?

Ms. JENKINS. Yes. We are actually in the process now of developing for both of these in terms of access, in terms of vetting.

We are in the process now of putting together these lists of personnel and we are working this with—within the interagency and then we want to, you know, work with our partners as well.

But we need to have a list of personnel so that—we're actually working on it now.

Mr. HUIZENGA. OK. We'd love to have an update on how that is going and whether there's issues on either the vetting side or the access side.

One provision of the bill discussed at length during the markup process was the imperative that submarine production targets for the U.S. must be met to ensure that then the Australians are able to buy their submarines on time and our national security interests are accounted for.

With that comes necessary signals from industry that they're able to bolster production in addition to purchases from the U.S. Navy. Do you anticipate the Administration will ramp up purchasing in the Fiscal Year 2025 budget request to allow this transfer to move forward?

Ms. JENKINS. Yes. I mean, we are—we have in the budget in the supplemental funding to allow for enhancements of submarine bases in support of AUKUS. So we are hoping that this will help and we will look in the future to see if we need to ramp up these—

Mr. HUIZENGA. OK. I'll just note, you know, we have—we have put significant resources into this Fiscal Year 2018 to 2022.

Congress invested nearly a billion in developing suppliers, training workforce, and shoring up critical supply chains. Fiscal year 2023 the Administration initiated a 5-year investment in submarine industrial base totaling \$2.4 billion, and I'm glad to see—actually on a personal note I'm glad to see the Navy and others getting back to those I think what are inspiring commercials to young people about getting back in and literally welding these behemoths together because they are roaming the seas, making sure that not just our country but free trade and freedom are being protected.

So notably—

Ms. JENKINS. And I just want to—on that I had an opportunity to go to the shipyards in Norfolk and so it was really—it was really, really good to be there and see that happening.

Mr. HUIZENGA. OK. And I'm anticipating both Norfolk as well as Connecticut and some other places that we need to be paying attention to.

Notably, China is not a huge fan—shocker—about us bolstering Indo-Pacific partners to deter their unmatched regional expansion and aggression.

They've gone so far as to push misinformation on AUKUS in order to further its means. For example, in 2021 at an Inter-



national Atomic Energy Agency Board of Governors meeting, the Chinese Ambassador, Ambassador Qian, declared that AUKUS was, quote, “an explicit violation of the object and purpose of the nonproliferation treaty—the NPT—and to the detriment of the international nonproliferation regime,” close quote.

Obviously, that’s false. That is not what the NPT regime allows. It very clearly distinguishes between propulsion systems and weapon systems. What is your department doing, though, to counter that misinformation about the transfer?

You know it. I know it. People in your agency might know it. But not only here domestically but internationally what are you doing to make sure that these—this misinformation being spewed by China is being countermanded?

Ms. JENKINS. Yes. Thanks for the question.

Actually, we’re very active in that. You mentioned the IAEA. Our mission in Vienna has done an excellent job of combating China every time that they’ve come to the IAEA with that—with those statements and misinformation and they’ve been getting pretty successful in that and more and more countries—as I said earlier, more and more countries are falling away from that and showing any signs of believing that.

We mention this in all of our international engagements, whether it’s at the Nuclear NonProliferation Review Conference—I mean PrepCom—whether we—you know, we do side events during meetings to educate people about what’s really going on.

Our colleagues in U.K. and Australia are very much engaged. In fact, Australia was a leader in promoting the correct information in Southeast Asia and was very helpful in reducing a lot of the comments there.

So we have actually noticed—we had conversation about this yesterday that the rhetoric is certainly not winning in the IAEA.

It’s not winning because it’s falling on—people are hearing it but they’re not starting to believe it because they’re seeing the IAEA, the Director General, the reports, and he talks about the conversations he’s having with Australia and the transparency that we’re doing.

So we are combating in all the different forms that we have.

Mr. HUIZENGA. My time is long gone. Keep it up. Intensify that and let us know how we can help. I yield back.

Ms. JENKINS. Thank you. Thank you.

Mr. WILSON. Thank you very much, Congressman Bill Huizenga. We now proceed to Congressman Brad Sherman of California.

Mr. SHERMAN. Thank you.

I’d like to comment on some of the comments that have been made so far. Our colleague Mr. Castro questions whether Israel is following the rules of law, the law of war and the law of armed conflict.

Without objection I’d like to put in the record two articles by John Spencer, the chair of the Modern War Institute at West Point’s Urban Warfare Studies program. He concludes that Israel has done the best job in history of complying with those—with the laws of war.

Mr. WILSON. Without objection it shall be happily included.

[The information referred to follows:]

# Israel Implemented More Measures to Prevent Civilian Casualties Than Any Other Nation in History | Opinion

Published Jan 31, 2024 at 8:38 AM EST Updated Jan 31, 2024 at 6:42 PM EST

ADVERTISING



By John Spencer

No military fighting an entrenched enemy in dense urban terrain in an area barely twice the size of Washington D.C. can avoid all civilian casualties. Reports of over 25,000 Palestinians killed, be they civilians or [Hamas](#), have made headlines. But Israel has taken more measures to avoid needless civilian harm than virtually any other nation that's fought an urban war.

In fact, as someone who has served two tours in Iraq and studied urban warfare for over a decade, Israel has taken precautionary measures even the United States did not do during its recent wars in Iraq and Afghanistan.

I say this not to put Israel on a pedestal or to diminish the human suffering of Gazans but rather to correct a number of misperceptions when it comes to urban warfare.

First is the use of precision guided munitions (PGMs). This term was introduced to nonmilitary audiences during the Gulf War, when the U.S. fired [250,000 individual bombs and missiles](#) in just 43 days. Only a very small fraction of those would fit the definition of PGMs, even though common perceptions of that war, and its comparatively low civilian casualty rate, was that it was a war of precision.

Let's compare that war, which did not ignite anywhere near the same level of outrage internationally, to Israel's current war in Gaza. The Israeli Defense Force has used many types of PGMs to avoid civilian harm, including the use of munitions like small diameter bombs (SDBs), as well as technologies and tactics that increase the accuracy of non-PGMs. Israel has also employed a tactic when a military has air supremacy called dive bombing, as well as gathering pre-strike intelligence on the presence of civilians from satellite imagery, scans of cell phone presence, and other target observation techniques. All of this is to do more pinpoint targeted to avoid civilian deaths. In other words, the simplistic notion that a military must use more PGMs versus non-PGMs in a war is false.

A second misperception is a military's choice of munitions and how they apply the proportionality principle required by the laws of armed conflict. Here there is an assessment of the value of the military target to be gained from an act that is weighted against the expected collateral damage estimate caused by said act. An external viewer with no access to all information cannot say such things as a 500-pound bomb would achieve the military mission of a 2,000-pound bomb with no mention of the context of the value of the military target or the context of the strike—like the target being in a deep tunnel that would require great penetration.



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A Israeli Defence Force Merkava tank drives close to Kibbutz Be'eri on the Gaza border.

OLIVER MARSDEN/MIDDLE EAST IMAGES/AFP VIA GETTY IMAGES

Third, one of the best ways to prevent civilian casualties in urban warfare is to provide warning and evacuate urban areas before the full combined air and ground attack commences. This tactic is unpopular for obvious reasons: It alerts the enemy defender and provides them the military advantage to prepare for the attack. The United States did not do this ahead of its initial invasion of Iraq in 2003, which involved major urban battles to include in Baghdad. It did not do this before its April 2004 Battle of Fallujah (though it did send civilian warnings before the Second Battle of Fallujah six months later).

By contrast, Israel provided days and then weeks of warnings, as well as time for civilians to evacuate multiple cities in northern Gaza before starting the main air-ground attack of urban areas. The Israel Defense Forces (IDF) employed their practice of calling and texting ahead of an air strike as well as roof-knocking, where they drop small munitions on the roof of a building notifying everyone to evacuate the building before a strike.

No military has ever implemented *any* of these practices in war before.

The IDF has also air-dropped flyers to give civilians instructions on when and how to evacuate, including with safe corridors. (The U.S. implemented these tactics in its second battle of Fallujah and 2016-2017 operation against [ISIS](#) in Mosul.) Israel has dropped over 520,000 pamphlets, and broadcast over radio and through social media messages to provide instruction for civilians to leave combat areas.

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The IDF also conducted daily four-hour pauses over multiple consecutive days of the war to allow civilians to leave active combat areas. While pauses for civilian evacuations after a war or battle has started is not completely new, the frequency and predictability of these in Gaza have been historic.

Another historical first in war measures to prevent civilian casualties was Israel's distribution of IDF [military maps](#) and urban warfare graphics to assist civilians with day to day evacuations and alerting them to where the IDF will be operating. No military in history has ever done this.



NOAM GALAI/GETTY IMAGES

In the 2016-2017 Battle of Mosul, the Iraqi government initially told civilians [not to evacuate and to shelter in place](#) during the battle of both the city's eastern and western districts, but later directed civilians to leave using "safe" corridors. But the Islamic State (ISIS) [mined the corridors and shot](#) at anyone using them to escape. Hundreds of thousands of civilians were trapped inside the combat areas for months as the battle progressed.

The reality is that when it comes to avoiding civilian harm, there is no modern comparison to Israel's war against Hamas. Israel is not fighting a battle like Fallujah, Mosul, or Raqqa; it is fighting a war involving synchronous major urban battles. No military in modern history has faced over 30,000 urban defenders in more than seven cities using human shields and hiding in hundreds of miles of underground networks purposely built under civilian sites, while holding hundreds of hostages.

Despite the unique challenges Israel faces in its war against Hamas, it has implemented more measures to prevent civilian casualties than any other military in history.

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Some have argued that Israel should have waited longer to start its war, should have used different munitions and tactics, or should not have conducted the war at all. These calls are understandable, but they fail to acknowledge the context of Israel's war against Hamas, from the hundreds of Israeli hostages to the daily rocket attacks on Israeli civilians from Gaza to the tunnels, and the real existential threat of Hamas poses Israel and its citizens, who live within walking distance of the warzone.

To be clear, I am outraged by the civilian casualties in Gaza. But it's crucial to direct that outrage at the right target. And that target is Hamas.

It is outrageous that Hamas spent decades and billions of dollars building tunnels under civilian homes and protected areas for the sole purpose of using Palestinian civilians as human shields. It is outrageous that Hamas [does not allow](#) civilians in their tunnels, that [Hamas says](#) and [takes actions](#) to create as many civilian deaths as possible—both its own and Israeli. The atrocities committed on Oct. 7 are outrageous. That Hamas fights in civilian clothes, intermixed within civilians, and launches rockets at Israeli civilians from Palestinian civilian areas is outrageous.

John Spencer is chair of urban warfare studies at the Modern War Institute (MWI) at West Point, codirector of MWI's Urban Warfare Project and host of the "Urban Warfare Project Podcast." He served for 25 years as an infantry soldier, which included two combat tours in Iraq. He is the author of the book [Connected Soldiers: Life, Leadership, and Social Connection in Modern War](#) and co-author of [Understanding Urban Warfare](#). The views expressed in this commentary are his own.

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In The Magazine



March 08  
2024 Issue



## CNN OPTION I AM AN EXPERT IN URBAN WARFARE



Live TV

## Opinion: I'm an expert in urban warfare. Israel is upholding the laws of war

Opinion by John Spencer

Updated 6:37 AM EST, Tue November 7, 2023



CNN embeds with Israeli forces inside Gaza (03:57)

03:57 - Source: CNN

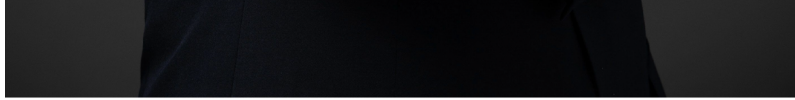
CNN embeds with Israeli forces inside Gaza

*Editor's Note: John Spencer is chair of urban warfare studies at the Modern War Institute (MWI) at West Point, codirector of MWI's Urban Warfare Project and host of the "Urban Warfare Project Podcast." He served for 25 years as an infantry soldier, which included two combat tours in Iraq. He is the author of the book "[Connected Soldiers: Life, Leadership, and Social Connection in Modern War](#)" and co-author of "[Understanding Urban Warfare](#)." The views expressed in this commentary are his own. [View more opinion on CNN.](#)*

**(CNN)** — All war is hell. All war is killing and destruction, and historically civilians are inordinately the innocent victims of wars. Urban warfare is a unique type of hell not just for soldiers, who face assaults from a million windows or deep tunnels below them, but especially for civilians. Noncombatants have accounted for 90% of casualties per international humanitarian experts in the modern wars that have occurred in populated urban areas such as Iraq's Mosul and Syria's Raqqa, even when a Western power like the United States is leading or supporting the campaign.







Courtesy of John Spencer

John Spencer

The destruction and suffering, as awful as they are, don't automatically constitute war crimes – otherwise, nearly any military action in a populated area would violate the laws of armed conflict, rules distilled from a complicated patchwork of international treaties, court rulings and historic conventions. Scenes of devastation, like Israel's strikes on the Jabalya refugee camp in northern Gaza earlier this week, quickly spark accusations that Israel is engaging in war crimes, such as indiscriminately killing civilians and engaging in revenge attacks. But war crimes must be assessed on evidence and the standards of armed conflict, not a quick glimpse at the harrowing aftermath of an attack.

Hamas forces indisputably violated multiple laws of war on October 7 in taking Israelis hostage and raping, torturing and directly targeting civilians, as well continuing to attack Israeli population centers with rockets. Years of intelligence assessments and media reports have shown that Hamas also commits war crimes by using human shields for its weapons and command centers and by purposely putting military capabilities in protected sites like hospitals, mosques and schools.

On the other hand, nothing I have seen shows that the Israel Defense Forces are not following the laws of wars in Gaza, particularly when the charges that the IDF is committing war crimes so often come too quickly for there to have been an examination of the factors that determine whether an attack, and the resulting civilian casualties, are lawful. The factors that need to be assessed are the major dimensions of the most commonly agreed to international humanitarian law principles: military necessity, proportionality, distinction, humanity and honor.



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Opinion: Biden needs to call for a ceasefire and restore respect for international law

President Joe Biden and multiple European countries, including the UK, Germany and France, are supporting Israel's self-defense even as they express concerns over the humanitarian situation in Gaza. Though Gaza's



Israel's own actions even as they express concerns over the humanitarian situation in Gaza. Though Israel's legal status is unresolved under international law, Israel needs no permission to enter the territory and resort to using force in order to wage defensive operations because Israel's right to immediate and unilateral self-defense in accordance with Article 51 of the UN Charter is universally recognized.

Israel has pledged to obey international law, and one of its cornerstones is proportionality. The concept is often misunderstood to allow only for equal numbers of civilian casualties on both sides, with any lopsided numbers considered disproportionate. But proportionality is actually a requirement to take into account how much civilian harm is anticipated in comparison to the expected concrete and direct military advantage, according to UN protocols. In other words, a high civilian death count in Jabalya could potentially be considered legal under international law so long as the military objective is of high value. The Israel Defense Forces said the intended target in this case was the senior Hamas commander who oversaw all military operations in the northern Gaza; neutralizing him is an objective that most likely clears the proportional bar. Furthermore, Israel pointed out that the loss of life was compounded because Hamas had built tunnels that weakened the targeted structure that then collapsed in the strike.

The attack also passes muster on the level of "military necessity," the principle that the action was necessary to pursue an allowed military goal (killing enemy troops), rather than an illegal goal (causing civilians to suffer). The IDF has said that its aim is to remove the rockets, ammunitions depot, power and transportation systems Hamas has embedded within their civilian population. So far, a number of military experts have assessed that Israel appears to be trying to follow the law of armed conflict in its Gaza campaign.

Of the remaining principles of the law of war – distinction, humanity (which, as the International Committee of the Red Cross phrases it, “forbids the infliction of all suffering, injury or destruction not necessary for achieving the legitimate purpose of a conflict”) and honor in conduct of waging war – the principle of distinction is the most complex. Distinction requires Israel to “distinguish between the civilian population and combatants” and between civilian facilities and military targets, while taking all feasible precautions to avoid civilian casualties. So far I have seen the IDF implementing – and in some cases going beyond – many of the best practices developed to minimize the harm of civilians in similar large-scale urban battles.

These IDF practices include calling everyone in a building to alert them of a pending air strike and giving them time to evacuate – a tactic I’ve never seen elsewhere in my decades of experience, as it also notifies the enemy of the attack – and sometimes even dropping small munitions on top of a building to provide additional warning. They have been conducting multiple weeks of requests that civilians evacuate certain parts of Gaza using multi-media broadcasts, texts and flyer drops. They’ve also provided routes that will not be targeted so that civilians have paths to non-combat areas, though there have been some tragic reports that Palestinians from northern Gaza who have relocated to the south were subsequently killed as the war rages throughout the strip.

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When Hamas uses a hospital, school or mosque for military purpose, it can lose its protected status and become a legal military target. Israel must still make all feasible attempts to get as many civilians out of the site as possible, but the sites don’t need to be clear of civilians before being attacked.

Unfortunately, it’s essentially impossible to empty a city of all civilians before conducting an urban battle. Some people always stay, and it can be impossible for the elderly, infirm, hospitalized and similar to evacuate. In the densely populated Gaza Strip, where most Palestinians have nowhere to fully escape the dangers of the war, the proportion of those who remain is likely to be higher, as border crossings remain closed to nearly all Gazans, many Palestinians object to leaving and Hamas has warned others not to go.

Still, even if Hamas has no interest in meeting its obligation to take all feasible precautions to minimize harm to civilians, Israel does and should. The IDF should take steps like constraining its forces to smaller portions of larger urban areas while continuing to provide safe areas and routes out of the combat areas. It should continue its calls for civilian evacuations. It should restrict the use of air strikes and artillery near certain safe areas or gatherings of civilians. It should continue to cooperate with the US in facilitating the entry of humanitarian supplies into Gaza (though it’s reasonable to block fuel, which Hamas can use in its attacks and which the group is also stockpiling while refusing to share it with its own people).

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There is no escaping that pursuing a terrorist organization touches off a nightmarish landscape of war. The visually repulsive imagery in Gaza essentially recreates the same scenes that unfolded under American and allied campaigns fighting Al Qaeda, ISIS and other terror groups, because that is what it looks like when you are forced to uproot a sadistic terror organization embedded in an urban area. Sadly, successful US-led or supported campaigns in places such as Mosul and Raqqa caused billions of dollars in damage and killed and displaced hundreds of thousands of civilians; that is the hellish reality of defeating terrorism.

Like all similar conflicts in modern times, a battle in Gaza will look like the entire city was purposely razed to the ground or indiscriminately carpet bombed – but it wasn't. Israel possesses the military capacity to do so, and the fact that it doesn't employ such means is further evidence that it is respecting the rules of war. It is also a sign that this is not revenge – a gross mischaracterization of Israeli aims – but instead a careful defensive campaign to ensure Israel's survival.

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Mr. SHERMAN. Thank you. The big foreign policy issue that we face is the Senate bill so in a way my question is for my Republican colleagues rather than—I know where you stand on the Senate bill, and this is just a rhetorical question but will Republicans be willing to sign a discharge petition so we can get a vote on the Senate bill or so that we can at least demonstrate to the Speaker that he should bring a version of that bill to the floor of the House, perhaps with the border provisions, perhaps without the border provisions.

But if we cannot aid Ukraine and Israel and Taiwan at this critical time then we are no longer a world power. The chair, I believe, has commented about our industrial base and I've been very disappointed in our industrial base.

Ukraine is carrying on a small war compared to one that America would carry out. We have fought wars against Iraq and Afghanistan but we maintain a military capable of fighting Russia and China simultaneously.

How many artillery shells is that compared to what we can actually produce? How long before we'd run out of ordnance if we fought the war for which we built our military?

And I'll address our witness for just a second. You have tough decisions to make—allow an export, not allow an export—and it's—and I just want you to point out that the worst possible answer you could give is wait because that means they go somewhere else, perhaps with a contract that would have been good for you to approve and that, second, saying no may protect our national security. You do not want to export what we should not export.

But it may also hurt our national security because that's less money going into the American industrial base and more money going in to the industrial base of Russia, China, France, or wherever.

So my question will focus on Taiwan. Taiwan's chief representative in Australia said that Taiwan is open to deeper collaboration with the U.S., U.K., and Australia under the AUKUS framework and in particular joining Pillar Two.

This would address key issues for Taiwan such as cyber capacities, information sharing. Given the existential threats to Taiwan do you see potential collaboration of Taiwan in the AUKUS framework?

Ms. JENKINS. Thank you for the question.

Just very briefly I want to remark on NSM-20. One thing I did not make clear is that this is based on things that we were already expecting countries to do in terms of laws of war and in terms of humanitarian. So I just want to—

Mr. SHERMAN. And I might add people say that there should be conditions on our aid to Israel. We already have them. We have statutes that require everyone that receives our arms to comply with the law of armed conflict.

I'll turn it back to our witness.

Ms. JENKINS. Yes. And on AUKUS, yes, Pillar Two we have already made it clear that that's—unlike Pillar One, Pillar Two is when we will be looking for partners. We are in the process now internally looking at the—what we're going to—you know, what the criteria is going to be, which areas of emerging technology they may be involved in.

So these are things that we are looking at right now to see which countries will be a part of it, which ones we want to invite.

But, yes, we will be asking more countries to join us on that.

Mr. SHERMAN. And our hearing here is on AUKUS. There's \$8 billion in this Senate bill for Taiwan. If we fail to provide that money does that degrade our national security in the South Pacific?

Ms. JENKINS. What it does is it makes—we have been very clear about our support for Taiwan. We're very happy that we have this—we have gotten—what we have been able to do with the funding.

We want to get more funding. And it's a signal. It certainly will be a signal that we're not as committed as we have said we are. So it's very important that we get the supplemental.

Mr. WILSON. Thank you very much, Congressman Brad Sherman.

I now proceed to Congressman Brian Mast of Florida.

Mr. MAST. Thank you, Chairman.

Ma'am, up here. Per your opening comments you're here representing the idea that you support a Palestinian State, correct?

Ms. JENKINS. We support a two-State solution.

Mr. MAST. OK. Have you looked at that objectively?

Ms. JENKINS. What do you mean have I looked at it objectively?

Mr. MAST. Have you analyzed that objectively?

Ms. JENKINS. This is—this is something that we do support, yes.

Mr. MAST. That's not an answer. Have you analyzed a second Palestinian State objectively? Have you—have you analyzed it objectively?

Ms. JENKINS. I'm not sure exactly what you're asking. Have I personally analyzed it?

Mr. MAST. You do not know what it means to objectively analyze something?

Ms. JENKINS. I know what it means subjectively. I do not—

Mr. MAST. OK. So have you done that?

Ms. JENKINS. No, I have not.

Mr. MAST. You—

Ms. JENKINS. If I understand your question.

Mr. MAST. You might not be because I cannot believe that you would answer it in that way. So let me just start over. You're here representing support for a Palestinian State, correct?

Ms. JENKINS. Yes. Yes. Yes.

Mr. MAST. Have you analyzed that support objectively?

Ms. JENKINS. Yes.

Mr. MAST. Well, you just said no. So—

Ms. JENKINS. I'm trying to understand what you're saying.

Mr. MAST. I thought I made it pretty simple. But you said no but I'll grant you that now you said yes, you have looked at it objectively.

So having looked at it objectively, which I would assume somebody in your position does, who would you assess would lead that Palestinian state?

Pick a group. You could name a group but I'm saying Hamas, Palestinian Authority, Palestinian Islamic Jihad, Fatah, some other group—who would lead it?

Ms. JENKINS. I think that has to be something that's considered. I do not think I'm in a position to say—

Mr. MAST. Who did you objectively assess would lead it in determining you have support for a Palestinian state?

Ms. JENKINS. I do not—I do not want to—I do not think that I can answer that question. I think this has—this is part of a larger discussion.

Mr. MAST. But you objectively assessed that you support a Palestinian State.

Ms. JENKINS. I do support a—

Mr. MAST. In objectively assessing that who do you assess would lead that state? What group that does not receive military support from, say, Iran do you assess would lead that state?

Ms. JENKINS. I understand your question but I think I would have to have a little—I would—I do not feel comfortable saying that without having more understanding.

Mr. MAST. Have you not assessed what group would lead it? Have you or have you not assessed who would become the leader of that Palestinian state?

Ms. JENKINS. This is part—this is part of a larger discussion.

Mr. MAST. But have you or have you not assessed that?

Ms. JENKINS. I have—this is a part of a larger discussion. I do not think—

Mr. MAST. Yes.

Ms. JENKINS. I cannot answer that question.

Mr. MAST. You cannot answer whether you have or have not assessed who would be the state?

Ms. JENKINS. I cannot—I cannot answer a question about me, particularly what I think what it should be. I mean, I think that's part of—

Mr. MAST. You came here and said there should be a Palestinian State. Have you or have you not assessed who would lead that? Just yes or no, have you looked at who would lead it or have you not?

Ms. JENKINS. I support a two-State solution.

Mr. MAST. I know. You said that numerous times. Have you or have you not assessed who would become the leader of that state? Fatah, Hamas, Palestinian Islamic Jihad, Palestinian Authority? Somewhere else? Who have you assessed who it would be?

Ms. JENKINS. I do not feel comfortable. I'm sorry. I do not feel comfortable answering that question and I feel—

Mr. MAST. You do not feel comfortable saying if you have assessed something?

Ms. JENKINS. No. What I do not feel comfortable with is making a statement when I think it's part of a larger discussion.

Mr. MAST. Don't even say who it is. Just answer have you assessed it? Have you assessed who would lead it?

Ms. JENKINS. There—put it this way. There will be an assessment of this question within the U.S. Government in terms of who we think should be—

Mr. MAST. So you came here supporting something you have not assessed?

Ms. JENKINS. I'm not in a—I'm not in a position right now to say what that is because I think this is part of a larger discussion.

Mr. MAST. This—honestly, it's amazing. I think it goes back to your original statement, which was probably the correct one, that you have not objectively looked at this and you got it right when you said that.

Ms. JENKINS. It's not a—it's not a personal——

Mr. MAST. I'm going to move on to another question.

Ms. JENKINS. It's part of what the U.S. Government wants to do. I cannot—I feel like——

Mr. MAST. You're supposed to be the part of the U.S. Government that does that.

Mr. SHERMAN. Will the gentleman yield?

Mr. MAST. So I will not. I have more time.

Ms. JENKINS. I am part of the U.S. Government but I'm not going to say what the government should do.

Mr. MAST. Sorry. I have more questions. So I apologize. So do you assess that a Palestinian State would be more likely to be designated as a major non-NATO ally like Israel or Egypt or would you assess that they would have to be labeled a State sponsor of terror?

Ms. JENKINS. I cannot answer that question.

Mr. MAST. Have you assessed that?

Ms. JENKINS. These are questions that I'm not in a position to answer.

Mr. MAST. I'm asking if—you are in the position to answer if you have assessed whether that would be the case. You came here sitting before Congress saying you are here representing the idea that there should be a Palestinian State.

You said you looked at it objectively, which you probably did not, and I'm asking if you have—if you assessed that. So you can answer whether you assessed something or not.

Ms. JENKINS. What I can answer is this is part of a discussion that I do not think that I should be making those decisions or answering these questions right now.

Mr. MAST. Answering what—you do not think you should answer whether you assessed something is amazing.

Let me ask one more question. Why do you think that we should make a country out of a people that just conducted a Jewish genocide 4 months ago?

Ms. JENKINS. I'm not sure what you're—what you're asking now.

Mr. MAST. Can I have time to repeat the question for her, Mr. Chair——

Mr. WILSON. Yes.

Mr. MAST [continuing]. Since she does not understand?

Mr. CONNOLLY. I object. Mr. Chairman——

Mr. MAST. She's asking for a clarification.

Mr. CONNOLLY. Mr. Chairman—Mr. Chairman, the time limit has occurred.

Mr. MAST. So the question, to repeat it since you said you do not understand it was——

Mr. CONNOLLY. Mr. Chairman, I continue to object.

Mr. MAST. Why do you want to make a country of a people——

Mr. CONNOLLY. Mr. Chairman?

Mr. MAST [continuing]. That just conducted a Jewish genocide? I said it very clearly.



Mr. CONNOLLY. Mr. Chairman?

Mr. MAST. Please answer.

Ms. JENKINS. I'm not going to respond to questions about that. Sorry. I do not—I do not feel like I—I want to answer your question. I really do.

But I just do not feel like I'm in a position right now that I can answer those type of questions. When I—this is a question that's going to be just—this is a question for the U.S. Government and—

Mr. MAST. You're the U.S. Government.

Ms. JENKINS. Yes, I know.

Mr. MAST. But, undoubtedly, you cannot answer.

Ms. JENKINS. But we haven't—we're still—we're still making—

Mr. MAST. Thank you, Mr. Chairman, for indulging me to repeat the question that apparently was not clear.

Mr. WILSON. And thank you very much, Congressman Brian Mast.

We now proceed to Congressman—former president of the NATO-PA Gerry Connolly of Virginia.

Mr. CONNOLLY. Thank you, Mr. Chairman.

I'm sorry for that berating. You know, the chairman began this hearing bemoaning the fact that the Biden Administration has, you know, been slow in coming to the aid of Taiwan. Is there aid to Taiwan in the bipartisan security package—

Ms. JENKINS. Yes, there is.

Mr. CONNOLLY [continuing]. That passed the Senate?

Ms. JENKINS. Yes, there is.

Mr. CONNOLLY. And is that being blocked by Republican leadership here in the House?

Ms. JENKINS. Yes, it is.

Mr. CONNOLLY. Now, Mr. Perry complained about his concern that Iran is marching toward nuclear capability. Could we, should we, have had some kind of arms control agreement to prevent that from happening?

Ms. JENKINS. Yes.

Mr. CONNOLLY. And what was that called?

Ms. JENKINS. JCPOA. JCPOA.

Mr. CONNOLLY. And what happened to that?

Ms. JENKINS. We withdrew from JCPOA.

Mr. CONNOLLY. Who did that?

Ms. JENKINS. The prior Administration.

Mr. CONNOLLY. Is that a Republican or a Democratic Administration?

Ms. JENKINS. Republican.

Mr. CONNOLLY. Trump?

Ms. JENKINS. Trump.

Mr. CONNOLLY. Oh. Well, what about the intermediate range nuclear forces treaty, you know, that had been between us and the former Soviet Union, now Russia? What happened to that one?

Ms. JENKINS. We withdrew from that one.

Mr. CONNOLLY. We withdrew from that. And who withdrew from that?

Ms. JENKINS. The prior Administration. President Trump.

Mr. CONNOLLY. President Trump. And do you think the world is more or less secure since 2019 with that decision?

Ms. JENKINS. The world is more secure if we have valid arms control treaties.

Mr. CONNOLLY. I'm sorry?

Ms. JENKINS. The world is more secure with valid arms control treaties.

Mr. CONNOLLY. So it's the opposite. We're less secure——

Ms. JENKINS. Less secure.

Mr. CONNOLLY [continuing]. Because we withdrew from that.

Ms. JENKINS. Yes.

Mr. CONNOLLY. Otherwise, that sounds like yes, we have no bananas.

OK. What are the Open Skies treaty and New START? What about those? What happened to those?

Ms. JENKINS. Open Skies we are no longer party to that and New START treaty right now Russia has suspended.

Mr. CONNOLLY. But did we withdraw from that treaty?

Ms. JENKINS. We did not withdraw from New START.

Mr. CONNOLLY. The Open Skies treaty——

Ms. JENKINS. Open Skies treaty we did.

Mr. CONNOLLY [continuing]. We did and who did that?

Ms. JENKINS. The prior Administration.

Mr. CONNOLLY. I'm sorry.

Ms. JENKINS. The prior Administration.

Mr. CONNOLLY. You do not want to name it.

Ms. JENKINS. President Trump.

Mr. CONNOLLY. President Trump. And that was a 34-nation treaty that contributed to security, from your point of view?

Ms. JENKINS. Yes, it did.

Mr. CONNOLLY. So we're by definition less secure. OK. What about the Law of the Seas treaty? Now, that one—surely we could agree to that one, right?

Ms. JENKINS. Yes. Well, we—yes, it would be good if we did because it hasn't——

Mr. CONNOLLY. Did we is my question.

Ms. JENKINS. Oh. We haven't, no.

Mr. CONNOLLY. We are not a party to the treaty.

Now, when we're looking at security in the Indo-Pacific who benefits from American nonparticipation in the Law of the Sea treaty?

Ms. JENKINS. China.

Mr. CONNOLLY. China. And is China a member of the treaty? Did they sign the treaty?

Ms. JENKINS. I do not recall, honestly.

Mr. CONNOLLY. Yes. The answer is yes.

Ms. JENKINS. OK. Good.

Mr. CONNOLLY. And they participate in every committee and subcommittee created by the Law of the Seas authority and we're not there. What could go wrong with that, Madam Under Secretary?

Ms. JENKINS. Mm-hmm. Yes, we need to be present.

Mr. CONNOLLY. Does that contribute to our security in the region?

Ms. JENKINS. No. Us not being present does not contribute to our security.

Mr. CONNOLLY. And with respect finally to President Biden's big security package supplemental and the big bipartisan vote in the Senate this week do you think that our security would be enhanced or damaged with House consideration and passage of that bipartisan agreement?

Ms. JENKINS. It's be strongly enhanced if we had that. Strongly enhanced if we have it.

Mr. CONNOLLY. And do you think we're diminished if we do not act on it?

Ms. JENKINS. We are diminished if we do not.

Mr. CONNOLLY. In terms of, for example, NATO alliance, credibility, reliability?

Ms. JENKINS. Yes. I mean, Ukraine—I mean, there's so many things in this—in the supplemental that really strengthens our security and being able to provide and be a leader in these issues.

Mr. CONNOLLY. Well, that's interesting that we're having a hearing on security and it's fascinating to actually delve into various treaties and agreements, all of which have been damaged by the previous Administration.

Thank you very much. I yield back.

Ms. JENKINS. Thank you.

Mr. WILSON. Thank you, Congressman Connolly.

Now we proceed to Congressman Tom Kean of New Jersey.

Mr. KEAN. Thank you, Mr. Chairman.

This committee held a hearing in May 2023 that focused on AUKUS and ways to improve U.S. arms exports. Since that hearing we successfully negotiated language in the Fiscal Year 2024 National Defense Authorization Act to a clear pathway forward to realize the potential of AUKUS which the President then signed into law.

Under Secretary Jenkins, thank you for being with us here today. I look forward to your answers to my questions. The U.K. has worked closely with the U.S. in some of the most sensitive military technologies including naval nuclear propulsion for the British through our mutual defense agreement and the Polaris sales agreement. We have fought side by side with them in every major conflicts in the 20th and 21st centuries.

Recently we worked with the Australians to combat threats posed by Chinese recruiters to ex-military pilots and have altered their laws with the National Security Act of 2023 to reflect that threat.

This is precisely the type of cooperation that we would expect from our closest allies. Allies as close as this deserve an ITAR exemption.

Under Secretary Jenkins, do you agree with that statement?

Ms. JENKINS. Yes, I do.

Mr. KEAN. Can you provide examples of recent ITAR violations that preclude giving the ITAR exemption to the British?

Ms. JENKINS. I do not know of any.

Mr. KEAN. Neither do I. Can you commit that you will provide the British the whole nation ITAR exemption that will work and not fail as the defense trade control treaties?

Ms. JENKINS. Yes, and we are working to make that happen.

Mr. KEAN. Thank you. Russia—this is on a different area—Russia's Rosatom has long been a Kremlin tool to influence and coerce around the world and evade Western sanctions. Do you agree with this?

Ms. JENKINS. Sorry, I missed the first point. Could you say that again?

Mr. KEAN. Russia's Rosatom has long been a Kremlin tool to influence and coerce around the world and to evade Western sanctions. Do you agree with this sentiment?

Ms. JENKINS. Yes.

Mr. KEAN. OK. What is the department doing to meaningfully develop alternative supply chains in the U.S. and allied countries that are not dependent on Rosatom for nuclear fuel?

Ms. JENKINS. Yes, we are very interested in making sure that we can help countries move away from relying on Russia and Rosatom. We have—there's—once again in the supplemental there's funding there to find alternative sources for the supply chain.

We have come to agreements with countries to help countries find—we have agreement with a number of NATO countries as well. We have—with the G-7 actions. We have statements that were made at COP.

These are multilateral efforts and, in addition, you know, of course, a lot of Europe has been trying to move away from Russia. So we—this is something we're very serious about it and we're working multilaterally with countries and we want to get the funding to actually do some more of that.

Mr. KEAN. The few sanctions on Rosatom executives and its subsidiaries to date are insufficient.

Ms. JENKINS. Yes, we have sanctions.

Mr. KEAN. The U.K. as one example has sanctioned more of Rosatom executives. Why is the U.S. not moving faster in coordination with allies to sanction Rosatom and its subsidiaries?

Ms. JENKINS. Yes, we have sanctioned Rosatom. We, of course, can continue to work with our partners to continue to sanction them. It's not something that's done. We can continue to do that and we will.

Mr. KEAN. Well, I think that it needs to be deeper and more truly impactful to people who want to—who are benefiting from Rosatom relationships.

Which European countries work most closely with Rosatom right now?

Ms. JENKINS. I do not know offhand but I can get back to you.

Mr. KEAN. Can you please?

Ms. JENKINS. Yes, I would.

Mr. KEAN. Thank you. I yield back.

Ms. JENKINS. Thanks.

Mr. MCCORMICK [presiding]. With that, the gentleman yields.

And with that, Hon. Mr. Costa from California is recognized for 5 minutes.

Mr. COSTA. Thank you very much, Chairman, and thank you, Madam Secretary.

Obviously, the topic this morning is to try to focus on American security and with our allies and AUKUS in particular. But as you

observed I think this committee is interested in a wide range of security issues affecting our country and our alliances.

Could you give me a brief update on where you think AUKUS stands in terms of our matrix and our goals to deal with that modernization and any clear challenges? Because I want to segue as well to some of our other security issues.

Ms. JENKINS. Yes. I mean, just as—there's a couple of things. There's—I mentioned earlier some of the work that we're already doing with the U.K. and Australia so that we can certify them—

Mr. COSTA. Are you saying we're on schedule?

Ms. JENKINS. Yes, we are actually ahead of—

Mr. COSTA. Time lines—we're ahead of schedule?

Ms. JENKINS. Yes. Yes. We are working hard to do the time lines and we're actually way before the normal timeframe for something like this, which is usually six to 12 months.

Mr. COSTA. OK. Part of our other modernization in terms of strengthening our alliances is the effort that the Administration has done with regards to the discussions that is really, I think, somewhat historical between South Korea and Japan.

I do not know if you've been engaged in that particular area. But where do you think the progress is there with Japan modernizing their constitution and getting more focused? I think this is very important.

Ms. JENKINS. Well, what I can say on this issue is that we have been obviously focusing a lot on both Japan and South Korea a lot because of the North Korean threat but also because we want to strengthen our relationship with them.

So, you know, we have had the Washington statement, the extended deterrence talks, a lot of engagement that we're doing.

Mr. COSTA. And I think the North Korea threat is clearly—I mean, we're focused in Ukraine and in the Middle East as we should be. But I think that and now with the situation with China and Taiwan we do not want to lose sight of the challenges we're facing there.

Ms. JENKINS. No, I agree. Right. I totally agree with you and, you know, the whole strategy, whether we're talking about Taiwan, whether we're talking about more engagements with Indo-Pacific overall, all the work we're doing with the Philippines and then there's, as I said, the Washington statement that we had with the Republic of Korea, all the extended deterrence talks that we have had, the visit of the submarine to Korea to show strength, there's a lot that we're doing in that region in addition to what we're doing in Ukraine.

Mr. COSTA. Right. Which brings me to the question, and you noted it and others have mentioned it. And by the way, I want to associate myself with the comments with Representative Connolly.

I think our—you know, and the previous Trump Administration backing away with various agreements that we had has weakened our security, not strengthened our security, and to ignore that, I think, is really not to understand the big picture in terms of whether we're dealing with security in Asia, Southeast Asia with our allies or whether we're dealing with it in the Middle East or Europe.

So that brings me to my frustration. The funding that's in the supplemental not only provides our support in terms of Ukraine,

and Ukraine has really done an incredible job given their resources—regaining over half the land that Russia took.

This unprovoked attack by a war criminal, a war criminal named Putin, and anyone who associates with Putin or takes his side simply, I think, as the President said is ignoring our democratic responsibilities as the leader of the free world.

But the funding does not just stop there. It provides assistance for Israel, one of our most valuable allies, and humanitarian assistance and, frankly, that humanitarian assistance as the world is watching is critical, do not you believe?

Ms. JENKINS. Yes, it certainly is.

Mr. COSTA. And the humanitarian assistance goes beyond to 120,000 Armenians that have lost their native homeland in Nagorno-Karabakh who are now faced with Azerbaijan and they just attacked and killed five soldiers in Armenia yesterday and destroying our—

I mean, the world's watching and our responsibility is there. And by the way, does not the supplemental provide \$30 billion to replenish America's own defense capability?

Ms. JENKINS. Yes, and I just want to make sure before the time runs out that—to highlight what I do not think has been said enough is about the humanitarian side and the funding does go to these issues that we talked about, Taiwan and Ukraine and Israel and obviously things related to AUKUS. But we are looking at—

Mr. COSTA. And the world's watching. The European Union has just in the last week provided \$52 billion euro and we're sitting here abdicating our own responsibilities and undermining our own very security. Our own very security is being undermined because of our inability to come together on what seems to me common sense.

And certainly the border security is an issue. We had an opportunity to resolve the border security. But I guess we found out that the border security by some of our folks is no longer important and we can wait to the end of the year.

My time is expired. But I think that, frankly, we got to come together here and we got to come together soon. Our security depends on it.

Thank you very much.

Mr. MCCORMICK. With that, the gentleman yields and I recognize myself for 5 minutes.

You cited in a discussion with Mr. Connolly just recently that we are now less safe by withdrawing from certain treaties that we had. Specifically, Russia has a clear history of violations of the INF, Open Skies and New START.

The question I have for you do these arms agreements benefit us if one side is not complying to the agreement and the other side is? How does that benefit us and make us safer or less safe?

Ms. JENKINS. Well, I think we have to understand that arms control treaties benefit the global community and it benefits us.

For example, let's talk about New START. New START is still very much in our national security interests. Currently, while the Russians have suspended the treaty they still remain within the numerical limits of the treaty and we have done lawful counter-measures as a result of this suspension.

But it's still within our national security interest. We do not want a situation where there's no treaty, which means Russia can still start developing even more weapons. You know, it's the other side of deterrence. It's in our interests to try to find ways through arms control to limit arms races.

Mr. MCCORMICK. So I would make the counterpoint that whether it be these agreements or World Trade Organization or the Paris Accords or anything, if the United States is the only one following the rules, the only one decreasing carbon imprint, the only one who's paying the bills, the only one who's following the rules and everybody else is cheating that's not really putting us at an advantage at all.

That's not the purpose of a treaty to begin with. And before you respond I just want to say that did the Trump Administration cite the treaty violations as a reason to withdraw from the treaties?

Ms. JENKINS. Oh, there were conversations, yes, about that part of the treaty, yes.

Mr. MCCORMICK. Of course they did. OK. Thank you. So I just want to point out the point, look, whether it be China violating the World Trade Organization when we take them to court they're wrong every time. They just find other ways to cheat.

China is paying attention to these treaties and if we're allowing people to cheat in these treaties it sets us up for bigger failures on grander scales where we have a global strategic issue at hand and that's why I disagree with your point.

I mean, we're just going to have to have an impasse at that because I think if one person is cheating and the other person is following the rules it does not put you in an advantage.

It does not give you whether—and certainly when you're talking about a global agreement the rest of the world is paying attention to this, too.

Ms. JENKINS. Could I respond?

Mr. MCCORMICK. Quickly, please.

Ms. JENKINS. Just very briefly, just put it in context, I understand we're talking about the New START treaty but there are other treaties that have over 180 countries that are parties to them and these treaties develop norms and help to provide some kind of strategic stability within the international system.

So they do have a value and even though I understand that in this case with Russia with their suspending the treaty right now the treaty still exists and it's in our interest to try to keep it going.

Mr. MCCORMICK. With all due respect, I'm not worried about other countries besides Russia, Iran, China, North Korea. I do not think the other countries are nefarious. It's unfair to judge the other countries based on those countries that are cheating and I will not agree with you on that point.

With that said, when we talk about Pillar Two allies what do you think the nations—what nations do you think are most important to us including those Pillar Two talks about sharing of technologies?

Obviously, New Zealand wants to be one of those. We have Australia right now that we're sharing information with and we're going to help them with submarine programs. Who do you think the most important Pillar Two future allies are?

Ms. JENKINS. Yes, and actually that's something we're actually looking at. We're looking at this at this very moment. As we're speaking we're looking at which countries will be the ones that we think will be most beneficial both ways to bring——

Mr. MCCORMICK. And what are they?

Ms. JENKINS. I cannot say because we haven't made that decision yet.

Mr. MCCORMICK. OK.

Ms. JENKINS. But we'll—I mean, we'll——

Mr. MCCORMICK. I hope we're considering New Zealand. I hope we're considering India, for that matter. When it comes to submarine production and technologies that we're sharing one of the problems we have we have a limited number of ports that can build these enormous ships and submarines. China has about 50. We have about two.

How are we even going to keep up with our own production needs let alone anybody that's agreed in this AUKUS production abroad because we are woefully behind right now. What's your strategic plan?

Ms. JENKINS. Well, I know—right. Well, I notice that the supplemental has some funding to do that and this is something that we'll just have keep doing. I mean, we'll have to keep refining——

Mr. MCCORMICK. With all due respect, once again, 2027 is what China said is our drop dead time to take over Taiwan. We do not have time. We should not have vague, opaque ideas of what we're going to do. We have to have a plan to move forward now.

The time is now. We're running out of time to protect two of the most strategically important things to our future, which is AI and a sea lane that controls 70 percent of the world's wealth. The time is now.

Ms. JENKINS. And part of—and part of AUKUS is to start developing these—for example, these AI and emerging technologies in an interoperable way so we can defend ourselves.

Mr. MCCORMICK. OK. Like I said, I need a specific plan, please.

A final point, if I may take a little liberty with myself since I'm in the chair right now, one of the things that just recently happened we gave Israel 700 rifles that were promised to them from Daniel Defense.

The other 4,500 were approved by Congress but then have been held up by the Biden Administration to be given to Israel as part of their defense.

My question is if we're not going to give low technology weaponry to Israel, a fairly defined ally for a long time now, in a time of war how can we trust the Biden Administration to release even more technologically advanced weapons to allies and friends in even more strategically important future conflicts including Taiwan and other places? How can we trust you to release that if we cannot even give it to a known friend during a time of war?

Ms. JENKINS. Well, two things. We are still in the process right now of deliberating on that.

But I would also like to say that, you know, different situations have different processes and so I would not necessarily say that what we do here in this case is exactly the same as Ukraine or exactly the same as any other situation. We are——



Mr. MCCORMICK. You're absolutely right. It's not the exact same thing.

Ms. JENKINS. We're deliberating now on that particular case to see where we're going to go.

Mr. MCCORMICK. So you're deliberating on it during a time of war with a close ally on low tech weaponry. We're deliberating on giving them the assets they need to defend themselves. I just want to point that out.

Ms. JENKINS. And we're also hoping that we'll get a supplemental that will also give them more funding that will also help—

Mr. MCCORMICK. So if we give you the supplemental you're going to go ahead and give them the weapons? Is that it? Are we being held hostage for that?

Ms. JENKINS. Oh, we need to continue our deliberations but we should also give them funding—

Mr. MCCORMICK. So I will just note that the deliberations are delaying weapons for a known ally during a time of war and even if we approve whatever bill you want to put in front of us you may do the same thing anyways.

With that, I yield myself.

I now recognize Representative Jackson from Illinois for 5 minutes.

Mr. JACKSON OF ILLINOIS. Thank you, Acting Chairman McCormick. Thank you, Honorable Bonnie Jenkins, for your service and your hard work and dedication and your candor and the time you've given us today.

Regarding the AUKUS I'd like to know how will the AUKUS agreement secure U.S. interest and promote peace in the Indo-Pacific? I've had the opportunity with Member Kim to travel most recently to many of the countries in the Indo-Pacific area. Please answer that for me.

Ms. JENKINS. Yes, thank you.

Actually, the whole—one of the major focus of AUKUS is in fact to make the Indo-Pacific open and free and to provide security in the Indo-Pacific region and that's one of the major points of it.

So, you know, whereas Two Pillars, as you know—I mean, by building the submarines and helping Australia with this nuclear-powered submarine we see that as a way to have all three countries to work together to strengthen the Indo-Pacific region and its security.

Mr. JACKSON OF ILLINOIS. In this trilateral agreement what new opportunities has this created for us to strengthen our defense and security in the region?

Ms. JENKINS. It's going to allow us to work with all—with both countries in developing a very strong interoperable process in terms of our technology, not just with the submarines but in terms of our technology.

It's going to promote integrated deterrence and will help develop our industrial base. It will help to develop and promote our science and technology—our STEM individuals.

So there's a huge side of it that's about people and developing that aspect of it and it really is going to expand our relationship with two countries who are long partners with us where we have a history of working with them but also eventually to include other

countries as well in terms of the work that we do in emerging technologies.

Mr. JACKSON OF ILLINOIS. Beyond the intelligence efforts are there legal reforms or changes under consideration in Australia and the U.K. to support investigations and prosecutions of crimes?

Ms. JENKINS. Yes, that—yes, those are the—those are examples of things. We're actually having conversations with them right now. I mean, I talked a little bit today about, you know, questions we're having based on new bills and legislation that they're actually doing in the U.K. and Australia so that we can certify them.

So they are actually stepping up and taking a leading role in their countries and making sure that we can do all of this and we are working with them in that process to make sure everything is in place so that we can certify them.

Mr. JACKSON OF ILLINOIS. I would like to thank you for your candor, your spirit of cooperation, and your openness and transparency. Was there anything else you'd like to add to the record?

Ms. JENKINS. No. It's just basically what I said earlier. I mean, one of the things that's most important to us in addition to passing the supplemental is the bipartisan support that we have seen on AUKUS and as I said earlier Australia sees it. The U.K. sees it.

So it's a message that we are—that we remain very serious about this initiative, this very exciting initiative. So we hope that that can continue.

Mr. JACKSON OF ILLINOIS. Again, I thank you very much. I yield back my time, Mr. Chairman.

Ms. JENKINS. Thank you.

Mr. MCCORMICK. The gentleman yields.

And with that we recognize Mr. Baird from Indiana for 5 minutes.

Mr. BAIRD. Thank you, Mr. Chairman, and Under Secretary Jenkins, we appreciate you taking the time to be with us.

So Madam Secretary, I've heard that ITAR, which is the International Trafficking in Arms Regulations, compliance can be burdensome for many of those involved. Can you explain what the process looks like for an ITAR license?

Ms. JENKINS. Yes. When the license comes in, you know, we always—we look at the cap policy and we measure everything by our commission on transfer policy and we base everything on that.

And then there's a process where we go through it with about 24 hours. We do not hold on—24 to 48 hours—we do not hold on to requests for very long. I know there's been a lot of questions about the delays in providing equipment to countries and ITAR.

But we do our deliberations within State very—pretty rapidly. And then, you know, we have to get—in some cases it goes to Congress for them to look at and review.

And if everything goes through that's when—unfortunately, that's when a lot of the delay occurs because we have delays in our industrial base and that's one of the reasons why we are not as quick as we could be in terms of providing equipment that's being requested.

But that's something that we want to fix. It's something that's in the supplemental and we need to fix that because—not only for

all countries who are concerned about the delay but because we have to continue to support Israel and Ukraine.

Mr. BAIRD. Thank you. And continuing on in that vein, in that process where's your department seeing the most time spent on the license and compliance?

Is it registration? Is it application for temporary license? Is it implementing internal compliance programs? Or is it something else?

Ms. JENKINS. The process is pretty—obviously, it's very standard and, you know, as I had said earlier we do not run into a lot of problems with the process within State Department.

It really is—and the Congress notifications and the cases where we have them is not usually cumbersome either. The outcry is really after that. That's where the real issue is.

Mr. BAIRD. So my last question then deals with—does the Administration and your department believe that an exemption to either the U.K. or Australia—is that a threat to our national security?

Ms. JENKINS. It's not a threat to our national security and that's why we are making sure that we have everything in place. First, I want to say these are two countries who have been partners for very—obviously, for very many years.

We have worked together on so many things. So we're building on existing relationships and we have a lot of experience in some of these issues.

So we are fine tuning everything and getting the legislation that needs to be passed in Australia and the U.K. so that we can actually certify and ensure that our information is protected.

Mr. BAIRD. Thank you. I appreciate your response to those questions and that's all the questions I have.

And I yield back, Mr. Chairman.

Ms. JENKINS. Thank you.

Mr. MCCORMICK. The gentleman yields.

And with that, we recognize the gentleman from Ohio, Mr. Davidson, for 5 minutes.

Mr. DAVIDSON. Thank you, Chairman. Thank you for being here today. I appreciate the work that you're doing to make sure we get this really sensitive job right on who do we release weapons to, what weapons are released, do we expect people to pay us for them.

We used to sell these things and we have had an unfortunate circumstance of giving them away in lots of cases and occasionally to people that probably should not have gotten them.

So one of the things that we have debated recently is what kind of oversight should Congress have with that and, of course, we get some level of notification on this and, you know, I just wonder in your experience doing the role do the notification requirements to Congress really affect the front end of whether you transfer weapons or sell the weapons?

Ms. JENKINS. Yes, it does, and I—you know, we very much value the notification period, very much value the opportunity for Congress to weigh in.

What I would also say is not only is there the notification period biannual, my political-military affairs experts and colleagues are very often up here on the Hill briefing staffers. I think they come up every other week to do briefings about what's happening.

So it's an opportunity for us to hear from you, not just with the notifications in between.

Mr. DAVIDSON. So I think the notifications are really important. We do not always have to give approval but we at least have awareness of what's going on.

But I think one of the things I've found common ground with a lot of my colleagues across the aisle is the idea of structuring. So when you structure payments in the financial services world you can run into legal problems if you, say, make lots of cash deposits just under \$10,000 because then it's treated as no, no, no, you deposited \$25,000—we see what you did there.

But when it comes to arms transactions we have reporting thresholds that some people want to raise. Some want to raise a lot. Some want to raise a little. But, you know, can you have an endless series of transactions that come in just below the threshold?

And this isn't for approval. This is just for notification. Where do you land on this discussion?

Ms. JENKINS. Well, I would just say that we—at the State Department we are at this point, you know, leaving out the industrial base process we're pretty satisfied with our engagement.

But we think—we think, as I said, we have a pretty well-worn machine particularly after recently with Ukraine and Israel where we really had to sharpen up and really get fast at these things and it works very well.

But you know, and we—as I said, we are always on the Hill and, you know, letting you know what's going on and then having an opportunity to talk.

But having said that, you know, we always open to having conversations about—you know, about the process.

Mr. DAVIDSON. Thank you for that. Just so you know, we are working on how to properly address structuring. We want the right people to get the weapons, our allies in particular, and the legislation we recently considered certainly treats NATO differently than non-NATO members, and so close allies probably qualify for a different program than others.

One of the concerns we have had, and I think everyone shares a concern about the Iranian approach in the Middle East. They are the destabilizing force in the Middle East and, clearly, Republicans have looked at Iran differently.

But, you know, there have been recent claims by senior Iranian leaders that the country now possesses all the components and nuclear fuel required to produce atomic weapons.

These claims appear to have increased since the 10/7 attacks by Hamas, which is armed and financed by the regime in Iran, and the International Atomic Energy Agency has been in a standoff with Tehran over its refusal to allow inspectors to visit multiple sites inside Iran where they believe that there are undeclared nuclear materials and equipment.

In addition, in late December IAEA warned that Iran had tripled its monthly production of weapons grade uranium. So as I'm sure you know the Biden Administration recently did a sanctions waiver that allows Iran to access—that did allow Iran to access \$10 billion

in revenue generated from Iraqi electricity sales that were previously held in escrow.

Do you think that the money could help Iran?

Ms. JENKINS. That money is not going to Iran. That's being used for humanitarian purposes. It's not going to Iran.

Mr. DAVIDSON. Humanitarian purposes to Hamas then?

Ms. JENKINS. No. No, it's not going to those purposes at all.

Mr. DAVIDSON. So but in a way how does money—money is fungible. So I can tell you if you give my company—I'm back in the private sector now. Let's say I'm not in Congress anymore and I go back to running my company, and you give me \$10 billion I promise I will not use any of it on executive compensation. Do you think it would help my company?

Ms. JENKINS. Well, what I would say on that is I would like to offer an opportunity to brief you more on that because—

Mr. DAVIDSON. I would love to. But of course it would. Everyone knows it would. I yield.

Ms. JENKINS. That's why I think—I do want to give you an opportunity to have more information on that. But, I mean, that—

Mr. MCCORMICK. With that, the gentleman yields.

With that I recognize the gentleman from Connecticut, Mr. Courtney.

Mr. COURTNEY. Thank you, Mr. Chairman. And at the outset of my remarks I just want to thank Chairman McCaul and Ranking Member Meeks, the committee staff, for the opportunity to join here today but also for their amazing hard work in the fall to get the AUKUS authorities package out of this committee over to the House Armed Services Committee so that we were able in conference to really get it done in time and President Biden signed it into law on December 23d. Again, a historic bill.

You know, the foreign military sales aspect for the sale of nuclear-powered submarines, which has never happened before, was included in it, and also the ITAR reforms which, again, there has been good colloquy here today about that as well.

One other aspect which hasn't been mentioned is that the government of Australia as part of the Optimal Pathway plan, which was released in March 2023, agreed to invest \$3 billion into the U.S. submarine industrial base.

That has never happened before and I can say that because that's why we had to pass a law to set up a system where, again, another country—in this case, obviously, a great ally—would be able to follow through on that commitment.

And I mention that because as you have said, Madam Secretary, is just—you know, on Tuesday night the Senate passed the national security package. Again, Israel, Ukraine, you know, obviously the biggest focus of all.

But one other aspect was \$3.3 billion into the submarine industrial base of the United States, which is to expand capacity so that we can actually meet our own Navy needs as well as also making sure that we can be ready to sell that first sub by 2032.

And, you know, again, the ink is barely dry on the AUKUS legislation that we just passed but, obviously, we have more work to do, and I will just tell my friends here as someone who co-chairs the Friends of Australia Caucus in the AUKUS Working Group this in-

vestment that's in the supplemental is something that is being watched like a hawk in terms of, you know, whether or not we're really serious about following through, you know, on what I think is one of the smartest moves we have made in terms of, you know, a deteriorating security environment and the Indo-Pacific.

And, again, I wonder if you could just talk about that. I mean, this is really a linchpin to making sure that AUKUS succeeds.

Ms. JENKINS. Yes, thank you for that. Totally agree with you, I mean, and I like that you phrase it as they're watching us because, you know, I have interactions with my U.K. and Australian colleagues on a regular basis and they are, as you said, extremely committed to this.

They've done new legislation. They've committed a lot of money to this. They have, you know, gone through their processes to, you know, start sending, you know, people over here to learn about our processes in terms of our bases.

So they are all in. They are all in and we are all in. But we have to keep showing that we're all in and, as you said people are watching what's happening with the supplemental and they know that there is money in the supplemental that's related to AUKUS.

And, you know, this is not just—this is not just money. This is policy. This is priorities. This is what the U.S. cares about and everyone understands that. So we need to pass the supplemental because of all the things in here including AUKUS that shows the U.S. wants to continue to be a leader.

Mr. COURTNEY. And among those who are watching is China because, you know, they, again, will pounce on the failure to follow through on this as an example that it's really never going to happen or, you know, it's all talk.

You know, as someone who represents the General Dynamics shipyard where—which the general contractor for the Virginia-class program, first of all, we have just had our first three Australian naval officers show up in town as part of a 2023 authorization that, again, is going to start training them up to get that proficiency to operate a nuclear-powered submarine.

But we also are looking forward to getting shipyard workers, to skill them up to make sure that they can take this on and that, again, is back in your portfolio. We want to make sure that we really do not keep the shipyard sort of carved out into places where they can and cannot go. We want to make sure they as quickly and comprehensively as possible learn how to—these skills.

Ms. JENKINS. Yes, I totally agree, and as I mentioned earlier this is an important part of AUKUS that does not get as much attention is the training and the exchange of individuals at different shipyards and learning about what's happening.

I mentioned earlier that I visited a shipyard a few months ago and all because of AUKUS to really move this forward.

So, yes, we're not going to forget that.

Mr. MCCORMICK. With that, the gentleman yields.

And with that the gentleman from Tennessee, Mr. Burgess, is recognized for 5 minutes.

Mr. BURGESS. Thank you. Thank you, Mr. Chairman. Thank you, ma'am, for being here.

Do you feel like Iran is closer today to having a nuclear bomb than ever before?

Ms. JENKINS. Yes, Iran is reaching up to 60 percent and—yes.

Mr. BURGESS. Why aren't the Biden Administration's policies working, in your opinion?

Ms. JENKINS. Well, obviously, as I said earlier, you know, one of the things we do want to focus on is diplomacy but you also have to have a willing partner on the other side.

We are supporting the IAEA and its efforts and we're trying with the efforts that we can. But nothing's taken traction right now with Iran and they're not putting anything on the table that's really something that we can negotiate.

Mr. BURGESS. Apparently North Korea has been doing some missile tests. How are they funding these tests?

Ms. JENKINS. I am not particularly sure exactly how they're funding this test. I mean, obviously, they're taking things from their own domestic sources but they're also, you know, violating U.N. Security Council resolutions and countries are—other countries are doing the same by providing them things.

Mr. BURGESS. All right. Has North Korea ever used any of our foreign aid—United States foreign aid to fund their nuclear missile program?

Ms. JENKINS. I am not aware of that.

Mr. BURGESS. OK. What countries in that region do you think are helping North Korea?

Ms. JENKINS. Well, now we know that—we know that Russia has a relationship with them. I mean, there might be more that we could say in a classified—

Mr. BURGESS. Are they funding it or are they just—

Ms. JENKINS. Well, there is—put it this way. We do not know exactly what the relationship is with Iran and Russia. We do not know what—I'm sorry, with North Korea aggression—

Mr. BURGESS. North Korea.

Ms. JENKINS [continuing]. We do not know all the things that they're doing. There's more that we could probably go into in a classified setting where we can get more in depth. But, yes, we do know that there are violations.

Mr. BURGESS. OK. Let me switch gears a little bit. Are you aware of the purposes that are not a prohibited section of the Chemical Weapons Convention and does that section specifically mention that the use of chemicals on the annex can be used for legitimate pharmaceutical and medical needs?

Ms. JENKINS. Well, I think the issue with chemical weapons is—well, the precursors there's so many of them. There's so many dual use items when you're talking about it.

Mr. BURGESS. OK. Are the Biden Administration's efforts to require a license to export fentanyl to Russia and Belarus, is that because of its potential for application as a chemical weapon?

Ms. JENKINS. Sorry. Are you saying—can you repeat that again?

Mr. BURGESS. Yes, ma'am. And I'm asking if you're aware that the—that this Administration's efforts through the Commerce to require a license to export fentanyl to Russia and Belarus is that because of the potential for application as a chemical weapon?

Ms. JENKINS. That would not be for that reason.

Mr. BURGESS. It would not?

Ms. JENKINS. That—no. My understanding is—yes.

Mr. BURGESS. OK. OK.

Given the purposes of not prohibited sections of the treaty and this Administration's actions why do you think that a chemical that Russia used in 2002 to kill over a hundred civilians and the State attorney generals and bipartisan members endorsed calling it chemical weapon?

Ms. JENKINS. Why is it called a chemical weapon?

Mr. BURGESS. Well, that—I'm sorry. I did not get the rest of it. I paused. I apologize. Of that—that was called a chemical weapon. It's killed thousands of Americans.

Should it not be declared a chemical weapon and controlled by the Chemical Weapons Convention given its deadly dual use nature?

Ms. JENKINS. If you're talking about novichoks we have included that in the Chemical Weapons Convention.

Mr. BURGESS. OK. Let's see. I believe that's the end of my questions, ma'am. Thank you.

Ms. JENKINS. OK. Thank you.

Mr. MCCORMICK. With that, the gentleman yields. So I believe we're to the conclusion remarks right now.

First of all, thank you, Ms. Under Secretary, for your time. I know this has been a long day for you so we will allow you to escape at this point.

I just wanted to kind of conclude as chair today or acting chair that I hope we're not naive or idealistic in the way we approach these challenges, especially when it comes to our friends and allies.

I think we need to make sure we do not compromise when it comes to our mission accomplishment, which is getting the technologies and weaponry to our allies to defend themselves to accomplish what we know is essential to our world strategy when we ally with our friends.

The concern I have is truly are we doing things to hamper that and I think in my case and in many cases what we talk about, what allies we choose, what agreements we make, that we're not believing that bad actors are going to follow that, naively, and that we do not enter these agreements thinking that those people just because they misbehave that everybody else is going to behave after looking at that happening.

And I hope that the Biden Administration takes very seriously the fact that we need to deliver on time and right now I'm not seeing a really good plan for delivering those technologies and those weapons that we have promised our allies and friends and I hope we do a better job of stepping up to that challenge and especially in the regulatory and decisionmaking when all we have to do is snap a finger and it happens. We should never hold those decisions up.

With that said, I think maybe the one thing that always comes to mind I'll quote Admiral Mullen from over a decade ago when we talk about the greatest threat to national security is our national debt and that's something we have to take very seriously, too, no matter what we're talking about, whether it be defense, tech-



nologies, or anything else like that. If it overcomes us we will not have enough money to help anybody anywhere including ourselves.

I thank you once again for your valuable testimony and their members for their questions. The members of the committee may have some additional questions for the under secretary and we will ask you to respond to those in writing.

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

Without objection, the committee stands adjourned.

[Whereupon, at 12:39 p.m., the committee was adjourned.]

## APPENDIX



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

**Michael T. McCaul (R-TX), Chairman**

February 7, 2024

**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 at 10:00 a.m. 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, February 14, 2024

**TIME:** 10:00 a.m.

**LOCATION:** 2172 RHOB

**SUBJECT:** AUKUS Implementation and Challenges to International Security and Arms Control in the 21<sup>st</sup> Century

**WITNESSES:** The Honorable Bonnie D. Jenkins  
Under Secretary for Arms Control and International Security  
U.S. Department of State

\*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 Wednesday Date February 14, 2024 Room 2172 RHOB

Starting Time 1012 Ending Time 1239

Recesses ☐ (\_\_\_\_ to \_\_\_\_ ) (\_\_\_\_ to \_\_\_\_ ) (\_\_\_\_ to \_\_\_\_ ) (\_\_\_\_ to \_\_\_\_ ) (\_\_\_\_ to \_\_\_\_ ) (\_\_\_\_ to \_\_\_\_ )

**Presiding Member(s)**

*Chairman McCaul, Rep. Wilson, Rep. McCormick*

*Check all of the following that apply:*

Open Session ☒

Executive (closed) Session ☐

Televised ☒

Electronically Recorded (taped) ☒

Stenographic Record ☒

**TITLE OF HEARING:**

*AUKUS Implementation and Challenges to International Security and Arms Control in the 21st Century*

**COMMITTEE MEMBERS PRESENT:**

*Attached*

**NON-COMMITTEE MEMBERS PRESENT:**

*Rep. Courtney*

**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** 1239

*Meg Wagner*  
Full Committee Hearing Coordinator

## Committee on Foreign Affairs

118<sup>th</sup> Congress

## ATTENDANCE

Date: February 14, 2024

Representative	Present	Absent	Representative	Present	Absent
Mr. McCaul	X		Mr. Meeks	X	
Mr. Smith		X	Mr. Sherman	X	
Mr. Wilson	X		Mr. Connolly	X	
Mr. Perry	X		Mr. Keating	X	
Mr. Issa		X	Mr. Bera		X
Mrs. Wagner	X		Mr. Castro	X	
Mr. Mast	X		Ms. Titus	X	
Mr. Buck		X	Mr. Lieu		X
Mr. Burchett	X		Ms. Wild		X
Mr. Green		X	Mr. Phillips		X
Mr. Barr	X		Mr. Allred		X
Mr. Jackson		X	Mr. Kim		X
Mrs. Kim	X		Ms. Jacobs		X
Mrs. Salazar		X	Ms. Manning		X
Mr. Huizenga	X		Mrs. Cherfilus-McCormick		X
Mrs. Radewagen		X	Mr. Stanton	X	
Mr. Hill		X	Ms. Dean		X
Mr. Davidson	X		Mr. Moskowitz		X
Mr. Baird	X		Mr. Jackson	X	
Mr. Waltz		X	Mrs. Kamlager-Dove		X
Mr. Kean	X		Mr. Costa	X	
Mr. Lawler	X		Mr. Crow		X
Mr. Mills	X		Mr. Amo	X	
Mr. McCormick	X		Mr. Schneider	X	
Mr. Moran		X			
Mr. James		X			
Mr. Self	X				

RESPONSES TO QUESTIONS SUBMITTED FOR THE RECORD

**Questions for the Record Submitted to  
Under Secretary Bonnie D. Jenkins by  
Representative Joaquin Castro (No. 1 to No. 24)  
House Foreign Affairs Committee  
February 14, 2024**

**Question 1:**

What process does the State Department have to determine if a foreign government that receives U.S. arms and security assistance has prohibited or otherwise restricted the transport or delivery of U.S. humanitarian assistance?

**Answer 1:**

The Department monitors situations that may implicate section 620I of the Foreign Assistance Act (22 USC 2378-1) and assesses whether it is triggered with respect to a particular country on a case-by-case basis, taking into account the relevant facts and the input of relevant bureaus. If there is a disagreement among the relevant bureaus, the Department would work to resolve the issue through its normal processes.

**Question 2:**

Has President Biden, or the Secretary of State, made a determination under 22USC 2778-1 (b) to continue to furnish U.S arms and other security assistance to countries where news outlets have widely reported recipients of U.S. arms and security assistance have restricted or blocked United States humanitarian assistance?

**Answer 2:**

We understand your question is referring to section 620I of the Foreign Assistance Act (22 USC 2378-1). Section 620I involves a case-by-case assessment where we identify a situation that may implicate the restriction. In those cases, the Department assesses the relevant facts and circumstances under the restriction. At this time, we have not assessed that the restriction under section 620I is currently triggered with respect to a particular country.

**Question 3:**

If the President or the Secretary of State has made a determination under 22USC2778-1(b), what is the internal process for the President to make the determination and which countries have been provided an exemption?

**Answer 3:**

We understand your question is referring to section 620I of the Foreign Assistance Act (22 USC 2378-1). In the event the restriction under section 620I were triggered with respect to a country, the relevant bureaus in the Department would consider whether to recommend that the Secretary determine it is in the national security interest of the United States to furnish assistance to that country without regard to the restriction, consistent with section 620I(b). The Secretary may make this determination pursuant to a delegation of authority in Executive Order 12163. President Clinton made a determination under section 620I(b) with respect to Turkey in 1997.

**Question 4:**

If the President or the Secretary of State has made a determination under 22USC2778-1(b), has the Administration notified the relevant Congressional Committees as outlined in 22USC2778-1(c)?

**Answer 4:**

We understand your question is referring to section 620I of the Foreign Assistance Act (22 USC 2378-1). The President's 1997 determination under section 620I(b) with respect to Turkey directed the Department to transmit the determination to the Congress and to publish it in the Federal Register.



**Question 5:**

In response to my question regarding implementation of the Biden administration's changes to the Conventional Arms Transfer Policy (CAT), Under Secretary Jenkins stated that an assessment is made prior to each arms transfer on whether those weapons meet the CAT's standard of being "more likely than not that the arms to be transferred will be used by the recipient" to violate international humanitarian or human rights law.

On December 29, 2023, the United States noticed the sale of \$147.5 million in M107 155mm projectiles to Israel. Can you please share the assessment made under the Conventional Arms Transfer policy for this sale, prior to initiating this sale, that determined that the weapons to be transferred would not be "more likely than not that the arms to be transferred will be used by the recipient" to violate international humanitarian or human rights law?

**Answer 5:**

As is the case with every proposed arms transfer, the Department considered available information when assessing the transfer under the CAT policy, including Israel's current and past actions and other related information. The Department assessed that approval of case was consistent with the policy. In addition, Israel acknowledged its obligations under International Humanitarian Law and International Human Rights Law as part of the Standard Terms and Conditions of the sale.

**Question 6:**

On December 9, 2023, the United States noticed the sale of \$106.5 million in 120mm M830A1 high Explosive Anti-Tank Multi-Purpose with Tracer tank cartridges to Israel. Can you please share the assessment made under the Conventional Arms Transfer policy for this sale, prior to initiating this sale, that determined that the weapons to be transferred would not be “more likely than not that the arms to be transferred will be used by the recipient” to violate international humanitarian or human rights law?

**Answer 6:**

As is the case with every arms transfer, the Department considered available information when assessing the transfer under the CAT policy, including Israel’s current and past actions and other related information. The Department assessed that approval of the case was consistent with the policy. In addition, Israel acknowledged its obligations under International Humanitarian Law and International Human Rights Law as part of the Standard Terms and Conditions of the sale.

**Question 7:**

Can you provide us with the total dollar amount of arms sales sent to Israel since October 7, 2023?

**Answer 7:**

Our team would be pleased to brief the committee or staff on this issue.

**Question 8:**

Can you confirm reporting by both The Guardian and former official Paul that the ILVF exists?

**Answer 8:**

Yes, the Israel Leahy Vetting Forum (ILVF) is a working group that reviews reports of alleged gross violations of human rights committed by Israeli security forces units and any steps taken by the government of Israel to investigate such incidents and, if warranted, bring those responsible for a gross violation of human rights to justice. The Department conducts these ongoing reviews for countries where assistance is provided in a manner that recipient security force units cannot be identified in advance of transfer. In addition to such reviews by the ILVF, the Department continues to vet any foreign security force unit, including any Israeli unit, that is nominated as a recipient of applicable assistance consistent with the Leahy law.

**Question 9:**

Are any other bureaus or officials not listed above involved in the ILVF process?

**Answer 9:**

Multiple bureaus and offices participate in the ILVF, including the Bureau of Democracy, Human Rights, and Labor; the Bureau of Political Military Affairs; the Bureau of Near Eastern Affairs; Embassy Jerusalem and the Office of the Legal Advisor. The Department of Defense also participates.

**Question 10:**

Does the ILVF make determinations by consensus among relevant bureaus as to whether an Israeli unit has committed a gross violation of human rights (GVHR), as described in the cited sources?

**Answer 10:**

The ILVF is a working group that seeks to reach and provide consensus recommendations on incidents of concern. However, if the ILVF cannot reach consensus on a given case, under current procedures the case would generally be elevated to Department leadership.

**Question 11:**

Does the Deputy Secretary of State have final say in determining whether an Israeli unit has committed a GVHR that would subject it to sanction under the Leahy Law (Section 620M of the Foreign Assistance Act)? If not, who has the final decision?

**Answer 11:**

Under current Department procedures, decisions on whether there is credible information that an Israeli security force unit committed a GVHR are made by the Secretary of State or Deputy Secretary of State. Under section 620M(b) of the Foreign Assistance Act, a determination that a government is taking effective steps to bring to justice those responsible for a GVHR is made by the Secretary of State or a Department official with delegated authority to make such a determination.

**Question 12:**

Does a body comparable to the ILVF exist within the State Department to conduct Leahy Law vetting for other governments receiving U.S. security assistance?

**Answer 12:**

The Department currently is conducting reviews consistent with the Leahy laws in similar fora for Israel, Egypt, and Ukraine.



**Question 13:**

As Undersecretary of State for Arms Control and International Security, with oversight of the Bureau of Political-Military Affairs, have you ever engaged in the ILVF vetting process, or engaged in any Leahy Law vetting of Israeli units? If you have, can you describe your role in this process?

**Answer 13:**

The Leahy vetting process typically begins in the relevant security force unit's home country, where the U.S. embassy conducts consular, political, and other security and human rights checks. Most often, an additional review is conducted by analysts at the Department of State in Washington, D.C. The State Department evaluates and assesses available information about the human rights records of the unit and the individual, reviewing a full spectrum of open source and classified records. Within the Department, the Bureau of Democracy, Human Rights, and Labor (DRL) is responsible for administering the Leahy vetting process.

**Question 14:**

Section § 7035(b)(6) of the Consolidated Appropriations Act for FY2022 requires that State Department and partner states agree not to provide non-traceable U.S. assistance (largely allocated through Foreign Military Financing) to prohibited units. Has the United States designated any units of Israeli security forces as ineligible to receive assistance under the Duty to Inform process?

**Answer 14:**

While a number of allegations of GVHRs by Israeli security forces units currently are being reviewed through the ILVF process, the Department has not reached a final assessment that any Israeli security forces units are ineligible for assistance under the Leahy law.

**Question 15:**

Were the reviews of Israeli units involved in the deaths of both Abu Akleh and Assad reviewed by the ILVF? If they were not, can you describe the Leahy Law vetting process under which these units were reviewed? Has the U.S. government pursued accountability measures for these killings outside of the Leahy process?

**Answer 15:**

The Department continues to review the circumstances surrounding the tragic deaths of Shireen Abu Akleh and Omar Assad, as appropriate. As we do around the world, should the Department conclude there is credible information that any foreign security forces unit committed a gross violation of human rights, such unit would be ineligible for applicable assistance in accordance with the Leahy law unless there is a determination that the government is taking effective steps to bring the responsible members of the unit to justice.

**Question 16:**

If Israeli units responsible for the high-profile, internationally reported killings of Palestinian citizens of the United States have not been held accountable under existing U.S. human rights law, what mechanisms does the State Department plan to use to guarantee the safety of Palestinian-Americans visiting the West Bank or Gaza?

**Answer 16:**

We have no higher priority than the safety and security of U.S. citizens overseas. We are devastated by the killings of U.S. citizens in the West Bank and Gaza. We called for prompt, thorough, and transparent investigations, including, as appropriate, full accountability through the courts and penal systems. We continue to urge Israel to do more to hold perpetrators of violence in the West Bank accountable and enhance the protection of civilians.

**Question 17:**

Absent accountability for units responsible for the deaths of Abu Akleh and Assad, do you expect the periodic killing of Palestinian-Americans by Israeli units to cease? What guarantees has the State Department extracted from the Israeli government to ensure the security of Palestinian-Americans visiting the West Bank and Gaza?

**Answer 17:**

We have no higher priority than the safety and security of U.S. citizens overseas. We condemned the killing of Shireen Abu Akleh when it happened, and we still condemn it now. We continue to engage with Israel on the importance of protection of journalists and other civilians during conflict and are deeply concerned by the unprecedented number of journalists killed in Gaza. Likewise, we have been clear about our deep concern about the circumstances surrounding Omar Assad's death and the need for full accountability, as appropriate.

**Question 18:**

Is the State Department, either through or apart from the ILVF, reviewing these social media videos as part of its Leahy Law vetting process for Israeli units operating in Gaza? If not, why not?

**Answer 18:**

The Department is aware of such videos and is closely reviewing all potential credible allegations of GVHR committed by Israeli security forces units, and the ILVF continues to review such incidents. Should the Department assess there is credible information that any foreign security forces unit committed a gross violation of human rights, such unit would be ineligible for applicable assistance in accordance with the Leahy law unless there is a determination that the government is taking effective steps to bring the responsible members of the unit to justice.

**Question 19:**

What other sourcing is the State Department relying on to conduct Leahy Law vetting of Israeli units conducting military operations in Gaza?

**Answer 19:**

The Department considers many sources of information when conducting Leahy vetting, including for Israel. Such sources include credible civil society and media reports, U.S. Government reports, and credible reports referred to the Department by private citizens including via social media.

**Question 20:**

The Bureau of Democracy and Human Rights and Labor uses a [website](#) to allow members of the public to file information about units who may be in violation of section 620M of the Foreign Assistance Act. What is the process for reviewing these inputs? How does documentation provided through the website feed into the ILVF process?

Human Rights Watch, Amnesty International, and Israeli and Palestinian human rights monitors have repeatedly made allegations of Israeli GVHRs in Gaza since October 2023 and provided robust evidence supporting those allegations. In the past, however, none of the Israeli units involved in these GVHRs were identified as violating the provisions of U.S. Leahy Law or blocked from receiving further U.S. security assistance.

**Answer 20:**

The Human Rights Reporting Gateway (HRG) is one means by which the Department is meeting the requirement in the Leahy law to facilitate receipt of reports regarding potential GVHRs from outside of the U.S. government. The Department searches the HRG for any relevant reports when conducting Leahy vetting for all countries, including Israel. Any information submitted via the HRG is subject to the same standards and requirements as other information sources considered as part of the Leahy vetting process, including credibility and other standards.



**Question 21:**

Do you think that the Department of State, and the U.S. government more broadly, has suffered or will suffer any reputational repercussions for applying Leahy Law and other human rights laws to security forces of other governments that commit GVHRs but not to Israeli units, given the sustained international attention to the Israeli military campaign in Gaza and resulting humanitarian crisis?

**Answer 21:**

The Department implements the requirements of the State Leahy law for all countries, including Israel. Should the Department assess there is credible information that any foreign security forces unit – including an Israeli security forces unit – committed a gross violation of human rights, such unit would be ineligible for applicable assistance in accordance with the Leahy laws unless there is a determination that the government is taking effective steps to bring the responsible members of the unit to justice.

**Question 22:**

Will the Department of State commit to reviewing and sanctioning Israeli units responsible for the commission of GVHRs in Gaza using the same process and standards as it would for the security or military units of any other government?

**Answer 22:**

The Department is implementing the requirements of the State Leahy law for all countries, including Israel. The Department will continue to conduct ongoing reviews for countries whose security forces receive assistance for which vetting cannot be accomplished prior to transfer, including Israel. In addition to such reviews, the Department will continue to vet any foreign security forces unit that is nominated as a recipient of applicable assistance consistent with the Leahy laws, including Israeli security forces units. Should the Department assess there is credible information that any foreign security forces unit committed a gross violation of human rights, such unit would be ineligible for applicable assistance in accordance with the Leahy law unless there is a determination that the government is taking effective steps to bring the responsible members of the unit to justice.

**Question 23:**

Given the preponderance of evidence that Israeli units have committed GVHRs in Gaza, and given the overwhelming extent to which the Israeli military relies on U.S. security assistance to supply its units, how are members of Congress to trust that the Department of State is upholding the Leahy Law in particular, and U.S. human rights law more generally, if no Israeli unit is blocked from receiving further security assistance on account of its actions in the Gaza Strip?

**Answer 23:**

The Department is concerned by allegations of violence committed by Israeli security forces, not just in Gaza but also in the West Bank and Israel. The ILVF takes its responsibility to review such allegations seriously. Should the Department assess there is credible information that a foreign security forces unit committed a GVHR, such unit is ineligible for applicable assistance in accordance with the Leahy law. The ILVF is reviewing several allegations of GVHRs by Israeli security force units, but the Department has not reached a final assessment as to whether these units are ineligible for assistance under the Leahy law.

Further, the State Department also reviews transfers of U.S. defense articles under the Conventional Arms Transfers (CAT) policy, which elevates the consideration of human rights in U.S. arms transfer and sales decisions.

Pursuant to the CAT Policy, we look at a government's capacity and intention to respect international law, including the law of armed conflict, and review its past conduct in assessing the risk that arms could contribute to human rights or international humanitarian law violations. This process is ongoing with respect to Israel.

**Question 24:**

Ambassador Jenkins: The International Trade Union Confederation (ITUC) has listed the Philippines as one of the world's ten most repressive countries for workers and the labor movement for the past seven years. Human rights organizations have documented the systemic toll on human rights from the so-called "war on drugs" initiated by former President Rodrigo Duterte, including a state of impunity for extrajudicial killings—policies into which the International Criminal Court has opened an investigation.

Despite the major threats to the labor movement, human rights activists, environmental defenders, journalists, opposition political leaders, clergy members, and others, the Administration has chosen to pursue a particularly sensitive agreement with the government of the Philippines on civil nuclear cooperation.

Can you explain how the criteria mentioned above were considered by the Administration in the process of finalizing this agreement? How, specifically, will this further deepening of ties help advance U.S. support for protecting fundamental rights in the Philippines?

**Answer 24:**

Through the Biden-Harris Administration's Indo-Pacific Strategy, we are prioritizing a free, open, connected, prosperous, resilient, and secure region. As a part of this strategy, the Department continues to work with the Philippines Government, civil society, and private sector partners to strengthen democratic governance, promote broad-based prosperity, and support investment in the clean energy transition. We regularly engage at

all levels with the Philippines government on all aspects of human rights and democracy as part of our relationship, and broader U.S. security interests.

With respect to a civil nuclear cooperation agreement (“123 Agreement”) with the Philippines, a comprehensive framework for peaceful nuclear cooperation based on a mutual commitment to nuclear nonproliferation is expected to help fuel a reliable, secure, and affordable clean energy future for the Philippines. As peak energy demands are expected to nearly quadruple in the Philippines by 2040, nuclear power can consistently produce enough energy to meet communities’ critical needs without emitting greenhouse gases. We anticipate that nuclear energy cooperation will create inclusive economic opportunities for American and Filipino businesses alike, and good-quality, high-paying jobs in both of our countries.

**Questions for the Record Submitted to  
Under Secretary Bonnie D. Jenkins by  
Representative Greg Stanton (No.1 to No.6)  
House Committee on Foreign Affairs  
February 14, 2024**

**Question 1:**

Under Secretary Heidi Shyu recently announced increased US/Australian cooperation on TReX (Technology Readiness Experimentation). How do you anticipate that such exercises and rapid tempo experimentation will augment – or be augmented by - AUKUS?

**Answer 1:**

AUKUS represents a deepening of long-standing defense and security partnerships with two of our closest allies. AUKUS is one part of our broader network of bilateral and multilateral partnership initiatives. Cooperation deepens in a trilateral context but is done in recognition of and in alignment with other efforts.

**Question 2:**

Per the recent AUKUS provisions included in the FY24 NDAA, President Biden has a short period to certify that Australia's and the UK's export control systems are adequate for an AUKUS ITAR exemption. Australia has undertaken some legislation and we have heard different perspectives on whether the UK Parliament will need to take legislative action to accommodate US requirements. What is the status of Australia and UK actions, and what more needs to be done to enable the President to make the necessary certification?

**Answer 2:**

Working closely together, AUKUS partners have taken tangible steps to elevate our collective export control systems, including Australia's introduction of legislation on military training and deemed exports and the UK's National Security Act, which was recently put in force. We are continuing to discuss with our partners the implementation of such pieces of legislation and reciprocal access for the United States under a future export control exemption.



**Question 3:**

There is nascent discussion about aligning US, UK, and Australian acquisition systems to allow companies from all three countries to compete for government contracts. While I understand this is more within DoD's purview to implement, has this concept been part of the trilateral discussions on AUKUS?

**Answer 3:**

Yes, trilateral partners are reviewing additional actions required to streamline trilateral cooperation to achieve the vision of AUKUS.

**Question 4:**

State's March 2023 "FMS 2023: Retooling Foreign Military Sales for An Age of Strategic Competition" stated that State would take "anticipatory policy decisions" for certain countries to "save time on the policy approval process and further improve interoperability between U.S. and foreign partners." It seems AUKUS is a logical place to start, but there are many worthy allies that could benefit.

Where does this initiative stand today?

**Answer 4:**

The Department is working to implement the recommendations outlined in *FMS 2023: Retooling Foreign Military Sales for An Age of Strategic Competition*. We are still working to implement processes regarding anticipatory policy decisions for FMS transfers.

**Question 5:**

Has State worked with other agencies within the security cooperation/security assistance enterprise to encourage them to take a similar approach?

**Answer 5:**

The Department works closely with the Department of Defense on all security cooperation/assistance matters. The Department of Defense has its own recommendations for improving the FMS system, which was released last June.

**Question 6:**

What is needed to make anticipatory policy more commonplace?

**Answer 6:**

We are considering what types of scenarios are right for anticipatory policy decisions; however, these types of decisions are not right for every situation, particularly in light of our statutory responsibility to review potential arms transfers on a case-by-case basis.

**Questions for the Record Submitted to  
Under Secretary Bonnie Jenkins  
by Representative Andy Kim (No. 1)  
House Committee on Foreign Affairs  
February 14, 2024**

**Question 1:**

As Australia and the United Kingdom move toward strengthening their own export control regulations, has the State Department started the process of identifying the types of technologies that are included and excluded by a potential exemption provided by authority in the FY24 National Defense Authorization Act?

**Answer 1:**

Yes. The Department of State, in conjunction with the Department of Defense, and in coordination with its interagency partners is drafting a proposed list of defense articles and services to be excluded from the potential exemption required by the FY24 National Defense Authorization Act.

**Questions for the Record Submitted to  
Under Secretary Bonnie Jenkins  
by Representative Andy Kim (No.2)  
House Committee on Foreign Affairs  
February 14, 2024**

**Question 2:**

The State Department's determination approving a possible FMS case to Australia on December 1, 2023, supports the training of select Australian civilians and contractors at United States Naval Shipyards. This potential sale, combined with authority provided in the FY24 National Defense Authorization Act, provides the mechanisms for Australian submarine maintainers to begin training at Pearl Harbor Naval Shipyard beyond their current observer status in the second half of this year. As we move forward with Australian civilians and contractors at our naval shipyards, has the State Department considered incidental access at our public and private shipyards that do work on all operational and future submarine classes beyond the Virginia-class program?

**Answer 2:**

The State Department, U.S. interagency colleagues, and AUKUS partners are identifying methods and procedures to maximize training of Australian civilians and contractors while mitigating risks to partner commitments and obligations.

**Questions for the Record Submitted to  
Under Secretary Bonnie D. Jenkins by  
Representative Michael T. McCaul (No.1 to No.2 and No.6)  
House Committee on Foreign Affairs  
February 14, 2024**

**Question 1:**

Pursuant to section 1332 of the Fiscal Year 2024 National Defense Authorization Act (P.L. 118-31) the Secretary is required to appoint a senior advisor for AUKUS. Can you please provide details on how and when the State Department is going to appoint that senior advisor, and what arrangements have already been made?

**Answer 1:**

In April 2023, the Secretary of State designated Under Secretary Bonnie D. Jenkins as the Department's lead on AUKUS to accelerate implementation. To rapidly advance implementation, in May 2023, the Under Secretary formed an AUKUS-dedicated cell, including a Senior Executive Service officer to operate as the State Department's AUKUS Senior Advisor, coordinating implementation across the Department. With the enactment of the NDAA, the State Department is working through a process to implement the AUKUS provisions, including with respect to periodic reporting. AUKUS is a Department priority and we expect continued engagement across the senior leadership.

**Questions No.2 and No. 6:**

Pursuant to section 1343 of the fiscal year 2024 national defense authorization act (P.L. 118-31) the president is required to certify that the UK and Australia have comparable defense export control systems. Given the importance of this decision, Congress specifically elevated this authority to POTUS with the intent that the President make this critical decision and this authority not be delegated down to any cabinet level officials or lower. Does the Administration intend to take action to delegate this authority?

Has the President delegated his authority to the Secretary of State to determine whether Australia and the UK are eligible for ITAR exemptions?

**Answers 2 and 6:**

The Administration of Reformed Export Controls, including the Arms Export Control Act as amended was delegated by the President in Executive Order 13637 on March 8, 2013. Section 1(n), delegates to the Secretary of State authority under section 38, to include the new certification authority under section 38(l) (22 U.S.C. 2778(l)). In turn, the Secretary of State in delegation of authority 293-2, delegated authorities under section 38 to the Under Secretary for Arms Control and International Security.



**Questions for the Record Submitted to  
Under Secretary Bonnie D. Jenkins by  
Representative Michael T. McCaul (No.3)  
House Committee on Foreign Affairs  
February 14, 2024**

**Question 3:**

How much in PDA has been used by the Department in FY 2023 for Ukraine, and separately for Taiwan?

**Answer 3:**

The FY 2023 National Defense Authorization Act (NDAA) amended the Foreign Assistance Act to authorize the President to direct the drawdown of up to \$1 billion in defense articles and services from DoD stock for Taiwan each fiscal year. In FY 2023, under delegation from the President, the Secretary of State exercised this authority to direct the drawdown of up to \$345 million in defense articles and services for Taiwan.

In FY 2023, under delegation from the President, the Secretary of State exercised the authority under section 506(a)(1) of the Foreign Assistance Act (FAA) to direct the drawdown of \$14.628 billion in defense articles and services from DoD stock, including in conjunction with section 614(a)(1) of the FAA.

In FY 2023, under delegation from the President, the Secretary of State exercised the authority under section 552(c)(2) of the FAA to direct the drawdown of up to \$10 million in commodities and services from any U.S. government agency to provide assistance to Ukraine.

**Questions for the Record Submitted to  
Under Secretary Bonnie Jenkins by  
Rep. Michael McCaul (No.4 to No. 5)  
House Committee on Foreign Affairs  
Wednesday, February 14, 2024**

**Question 4:**

Congress authorized the use of up to \$1B in FY 2023 PDA for Taiwan. Why has this Department not drawn down more defense articles for Taiwan, particularly since Taiwan awaits delivery on items that are in DoD stocks?

**Answer 4:**

This is a new authority to provide support to Taiwan, and we look forward to utilizing such authority as appropriate moving forward. Let me take this opportunity to endorse DoD's request for replenishment funds for articles provided under drawdown authorities and highlight the importance of increasing production in the defense industrial base. It is imperative that we have the means to support our foreign partners while maintaining our operational readiness and inventory.

**Question 5:**

What is the timeline for delivery of items provided under PDA authority for Taiwan? What is the Department doing to prioritize and expedite deliveries to Taiwan of PDA items?

**Answer 5:**

I defer to the Department of Defense on delivery timelines.

**Questions for the Record Submitted to  
Under Secretary Bonnie D. Jenkins by  
Representative Michael T. McCaul (No.7 to No.8)  
House Committee on Foreign Affairs  
February 14, 2024**

**Question 7:**

When will the Department publish this delegation of authority in the Federal Register?

**Answer 7:**

Executive Order 13637 was published in the Federal Register on March 13, 2013.

**Question 8:**

Will State inform Congress of such a delegation of authority?

**Answer 8:**

The Department of State provided information on this delegation of authority to Congressional staff during pre-hearing consultations. We welcome continued close consultations with Congress.

**Questions for the Record Submitted to  
Under Secretary Bonnie D. Jenkins by  
Representative Michael T. McCaul (No.9)  
House Committee on Foreign Affairs  
February 14, 2024**

**Question 9:**

What does the Department expect will change between now and April 19 for the UK and Australia to be issued an ITAR exemption?

**Answer 9:**

The United States, along with our partners, are engaging our private sectors and research communities – those who will utilize these exemptions – to ensure the exemptions, taken together, support the goals of all three governments. Additionally, we are working closely and collaboratively with the Australian and UK governments to ensure the requirements promulgated in the FY24 NDAA are met.

**Questions for the Record Submitted to  
Under Secretary Bonnie D. Jenkins by  
Representative Michael T. McCaul (No.10)  
House Committee on Foreign Affairs  
February 14, 2024**

**Question 10:**

Will the Department add hypersonic systems to its preapproved list under AUKUS since it is a key system under Pillar 2?

**Answer 10:**

To facilitate hypersonics collaboration, the Department will expeditiously review transfers with respect to missile-related exports to Australia and the UK, consistent with U.S. export control laws, regulations, policies, and international commitments. The AUKUS partners are still defining the parameters of our cooperation on hypersonic systems, and it is too early to say definitively what systems might be included on the pre-authorized list.

**Questions for the Record Submitted to  
Under Secretary Bonnie Jenkins by  
Representative McCaul (No. 11 to No. 13)  
House Foreign Affairs Committee  
February 14, 2024**

**Question 11:**

What is the plan to ensure the KPS and HNP are adequately armed to fight the gangs?

**Answer 11:**

The Bureau of International Narcotics and Law Enforcement Affairs is prioritizing support to vet, train, equip, and mentor the Haitian National Police (HNP). This includes providing equipment and support for specialized counter-gang units. In addition, the United States is actively working with partners of Haiti to ensure the MSS mission is adequately equipped to support and strengthen the HNP's capability to fight the gangs. Providing assistance for the MSS mission is a needed step to further support Haiti, and we are working to resolve Congressional concerns with respect to the funds notified for this purpose (CN 23-370).



**Question 12:**

How much U.S. taxpayer money and for how long do you expect U.S. support is needed for this MSSM?

**Answer 12:**

The United States, working with Congress, intends to provide up to \$200 million to support the MSS mission during its first year. This includes \$100 million planned from the Department of State, subject to completion of Congressional notification procedures (including the \$50 million previously notified for this purpose). UNSCR 2699 authorized the mission for 12 months after which time the Security Council will review and may reauthorize the mission.

**Question 13:**

Will any U.S. taxpayer dollars go to arming the KPS and HNP?

**Answer 13:**

The United States supports Haiti's efforts to address the dire security situation in Haiti, including by strengthening HNP capabilities and supporting the MSS mission. MSS mission personnel are expected to arrive to Haiti with a personal side arm, which is not part of the costs that will be funded by INCLE funding. We continue to engage other donors to provide weapons and ammunition to the MSS mission. While the current notification for assistance for the MSS mission does not include funding for weapons and ammunition, we are continuing to assess mission requirements, including whether U.S. support would be needed to support such assistance for the MSS mission and/or the HNP.

**Questions for the Record Submitted to  
Under Secretary Bonnie Jenkins by  
Representative McCaul (No. 14)  
House Foreign Affairs Committee  
February 14, 2024**

**Question 14:**

The State Department previously submitted legislative proposals to Congress that would increase congressional notification dollar thresholds for arms exports for inflation, pursuant to the Arms Export Control Act. The Under Secretary did not reiterate this request or indicate past Department legislative proposals, to this end. Why is the Department no longer supportive of increasing congressional notification dollar thresholds for arms exports?

**Answer 14:**

The Department continues to support our legislative proposal to increase congressional notification dollar thresholds for arms exports. We look forward to working with Congress on the passage of this important legislation.

**Questions for the Record Submitted to  
Under Secretary Bonnie Jenkins by  
Representative McCaul (No.15)  
House Foreign Affairs Committee  
February 14, 2024**

**Question 15:**

Will the Department be able to maintain its 60-day review time for review of direct commercial sales applications while also implementing the CAT policy and NSM-20?

**Answer 15:**

The Department's license review timeframe for direct commercial sales (DCS) has long been subject to the Conventional Arms Transfer (CAT) Policy, and the Department does not expect any changes in that regard. NSM-20 does not apply to DCS transfers and, as a result, we anticipate negligible impact to DCS review timelines.

**Questions for the Record Submitted to  
Under Secretary Bonnie Jenkins by  
Representative McCaul (No. 16)  
House Foreign Affairs Committee  
February 14, 2024**

**Question 16:**

What has the Department communicated to U.S. defense industry who are concerned with a lack of transparency and long delays in receiving authorizations for export licenses?

**Answer 16:**

The current average license processing time is 40 days. The Department communicates with applicants on the status of individual license applications on a case-by-case basis and shares details on the status of license applications with applicants whenever it is appropriate and able to do so. Because license applications contain sensitive and business proprietary information, the Department is not able to share details on the status of individual license applications with any party other than the applicant.

**Questions for the Record Submitted to  
Under Secretary Bonnie Jenkins by  
Representative McCaul (No. 17 to No. 19)  
House Foreign Affairs Committee  
February 14, 2024**

**Question 17:**

In which countries does the Department have NADR programs where there is no Embassy presence?

**Answer 17:**

The Bureau of International Security and Nonproliferation (ISN) uses Nonproliferation, Anti-terrorism, Demining, and Related Programs (NADR) funding for programs in Libya and Yemen where there is no U.S. Embassy presence. In addition, ISN's Nonproliferation and Disarmament Fund (NDF) is planning nonproliferation assistance efforts, which have been notified and briefed to Congress, in Afghanistan where there is no U.S. Embassy presence. NDF also funds organizations based in the United States, Türkiye, the Netherlands, and Belgium, which investigate, document and mitigate the effects of chemical weapons use in Syria. This includes grant funds, material

support (equipment) and training. The Bureau of Political-Military Affairs (PM) uses NADR funding for humanitarian demining programs in Afghanistan, Libya, Syria, and Yemen.

**Question 18:**

How is the State Department conducting oversight of these NADR programs?

**Answer 18:**

ISN program offices coordinate closely with other offices within the Bureau, regional bureau offices, the Libyan External Office, the Yemen Affairs Unit, the U.S. Special Envoy to Yemen, relevant embassy partners, interagency partners, and international entities throughout vetting, approval, and implementation process for these projects. ISN's Export Control and Related Border Security program has country-specific advisors stationed in the region. ISN program offices also implement internal oversight processes including regular status reports and debriefs for each activity to ensure that programs remain aligned with strategic objectives for the program country and within budgeting requirements. Additionally, program implementers provide after action reports, outlining successes, challenges, and recommendations to improve the effectiveness of programming, and regularly provide detailed financial reporting and ad hoc reporting to ISN offices as appropriate.



For previous and planned nonproliferation assistance in Afghanistan, ISN develops risk mitigation measures, including name trace vetting, and seeks programmatic approval through the Afghanistan Desk, Coordinator for Afghan Relation Efforts (CARE), and other policy stakeholders. Implementing organizations provide monthly status reports outlining successes, challenges, and recommendations to improve effectiveness of ISN threat reduction activities. For activities in Syria, ISN relies on robust agreements and vetting to ensure that recipients of NDF funds for activities in Syria accurately and regularly report their activities and account for funds and materials provided.

PM employs a variety of oversight measures in countries with no U.S. embassy presence. Demining assistance is delivered through nongovernmental institutions, contractors, and international organizations and is subject to rigorous reporting and financial transparency requirements; in no case is funding provided directly to host nation authorities. Assistance implementers are required to develop comprehensive plans for identifying and mitigating the risk of NADR funding providing inadvertent benefit to terrorist organizations or their members, and additional terrorism name

check vetting is conducted as specific risks identified with specific projects warrant. In Afghanistan, PM employs a third-party monitoring arrangement to verify the accuracy of implementer reporting, and the Special Inspector General for Afghan Reconstruction conducts rigorous and frequent audits of PM's assistance implementers. In Libya, PM provides capacity development support for a national demining authority falling under the auspices of Libya's internationally-recognized government, providing an independent source of oversight and verification of U.S.-funded demining implementers. In northeast Syria, PM supports an NGO which performs many of the functions typically conducted by a national demining authority, again providing an independent means of verification. In Yemen, PM had relied on the UN Development Program (UNDP) to provide independent verification of U.S.-funded demining activities until last year, when UNDP made a unilateral decision to cease demining support activities in Yemen. Since then, PM has been working with an NGO to establish a functional national mine action authority to provide oversight and verification under the auspices of Yemen's internationally recognized government.

Approved by: ISN – C.S. Eliot Kang, Assistant Secretary [ok]

**Question 19:**

Can you provide a list of countries you are negotiating 123 agreements, FIRST program participation, or other types of nuclear cooperation programs with?

**Answer 19:**

With regard to civil nuclear cooperation agreements (123 Agreements), the United States has negotiated an agreement with Thailand. 123 Agreement negotiations with South Africa and Ghana are continuing. We hope to open 123 Agreement negotiations with Singapore in the near future and have informed Congress regarding this matter. The United States has been in negotiations for a 123 Agreement with Jordan since 2008 and with Saudi Arabia since 2012.

With regard to the Foundational Infrastructure for Responsible Use of Small Modular Reactor Technology (FIRST) program, the United States is implementing bilateral FIRST nonproliferation capacity-building partnerships with the following countries: Czech Republic, Estonia, Ghana, Indonesia, Kazakhstan, Kenya, Latvia, Philippines, Poland, Romania, Serbia, Slovakia, Slovenia, Thailand, and Ukraine.

The United States also conducts regional FIRST engagements, typically in the form of annual conferences or webinars, with the following countries: Argentina, Bahrain, Bolivia, Chile, Colombia, Costa Rica, Ecuador, Jamaica, Jordan, Malaysia, Mexico, Morocco, Namibia, Nigeria, Paraguay, Peru, Rwanda, South Africa, Tunisia, and the United Arab Emirates.

The United States also provides nonproliferation capacity-building support under FIRST to four countries that have yet not been publicly announced due to partner country sensitivities. The Department can provide additional information on those projects through suitable channels if desired.

**Questions for the Record Submitted to  
Under Secretary Bonnie Jenkins by  
Representative Wild (No. 1 to No. 2)  
House Foreign Affairs Committee  
February 14, 2024**

Ambassador Jenkins: The International Trade Union Confederation (ITUC) has listed the Philippines as one of the world's ten most repressive countries for workers and the labor movement for the past seven years. Human rights organizations have documented the systemic toll on human rights from the so-called "war on drugs" initiated by former President Rodrigo Duterte, including a state of impunity for extrajudicial killings—policies into which the International Criminal Court has opened an investigation.

Despite the major threats to the labor movement, human rights activists, environmental defenders, journalists, opposition political leaders, clergy members, and others, the Administration has chosen to pursue a particularly sensitive agreement with the government of the Philippines on civil nuclear cooperation.

**Question 1:**

Can you explain how the criteria mentioned above were considered by the Administration in the process of finalizing this agreement? How, specifically, will this further deepening of ties help advance U.S. support for protecting fundamental rights in the Philippines?

**Answer 1:**

Through the Biden-Harris Administration's Indo-Pacific Strategy, we are prioritizing a free, open, connected, prosperous, resilient, and secure region. As a part of this strategy, the Department continues to work with

the Philippines Government, civil society, and private sector partners to strengthen democratic governance, promote broad-based prosperity, and support investment in the clean energy transition. We regularly engage at all levels with the Philippines government on all aspects of human rights and democracy as part of our relationship, and broader U.S. security interests.

With respect to a civil nuclear cooperation agreement (“123 Agreement”) with the Philippines, a comprehensive framework for peaceful nuclear cooperation based on a mutual commitment to nuclear nonproliferation is expected to help fuel a reliable, secure, and affordable clean energy future for the Philippines. As peak energy demands are expected to nearly quadruple in the Philippines by 2040, nuclear power can consistently produce enough energy to meet communities’ critical needs without emitting greenhouse gases. We anticipate that nuclear energy cooperation will create inclusive economic opportunities for American and Filipino businesses alike, and good-quality, high-paying jobs in both of our countries.

**Question 2:**

When working on this agreement, how did the Administration factor in the specific concerns facing environmental defenders, indigenous communities, and other vulnerable sectors of the population in rural areas?

**Answer 2:**

The Philippines has set a goal to cut greenhouse gas emissions by 75 percent by 2030. The United States is committed to working with the Philippines on civil nuclear as a clean energy technology so that it can meet this target using platforms like this 123 Agreement. As peak energy demands are expected to nearly quadruple in the Philippines by 2040, nuclear power can consistently produce enough energy to meet vulnerable communities' critical needs while meeting international and domestic climate goals. By working together to develop a nuclear energy sector in the Philippines, we can fuel a reliable, secure, and affordable clean energy future.